

**GLENORCHY PLANNING AUTHORITY MEETING**  
**AGENDA**  
**MONDAY, 2 OCTOBER 2023**



**GLENORCHY CITY COUNCIL**

- \* Aldermen with an interest or concern in relation to a particular item on this Agenda, are invited to attend the meeting.
- \* All application information is available to Aldermen for inspection upon request to the relevant Planning Officer.

**Chairperson:** Alderman Bec Thomas

**Hour:** 3.30 p.m.

## **TABLE OF CONTENTS:**

<b>1.</b>	<b>PLANNING AUTHORITY DECLARATION .....</b>	<b>3</b>
<b>2.</b>	<b>APOLOGIES/LEAVE OF ABSENCE.....</b>	<b>3</b>
<b>3.</b>	<b>PECUNIARY INTERESTS.....</b>	<b>3</b>
<b>4.</b>	<b>CONFIRMATION OF MINUTES .....</b>	<b>3</b>
<b>5.</b>	<b>PROPOSED USE AND DEVELOPMENT - STAGED MULTIPLE DWELLINGS (ONE EXISTING AND SEVEN PROPOSED) - 2 MOORE PARK DRIVE GLENORCHY .....</b>	<b>4</b>
<b>6.</b>	<b>PROPOSED USE AND DEVELOPMENT - CHANGE OF USE TO SHORT STAY ACCOMMODATION (VISITOR ACCOMMODATION) - 15 NATHAN STREET BERRIEDALE .....</b>	<b>50</b>
<b>7.</b>	<b>PROPOSED USE AND DEVELOPMENT - DEMOLITION, SPORTS CLUBROOMS AND ASSOCIATED WORKS (SPORTS AND RECREATION) - 131A ALLUNGA ROAD CHIGWELL.....</b>	<b>73</b>

## **1. PLANNING AUTHORITY DECLARATION**

The Chairperson stated that the Glenorchy Planning Authority intended to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993*.

## **2. APOLOGIES/LEAVE OF ABSENCE**

## **3. PECUNIARY INTERESTS**

## **4. CONFIRMATION OF MINUTES**

That the minutes of the Glenorchy Planning Authority Meeting held on 4 September 2023 be confirmed.

## **5. PROPOSED USE AND DEVELOPMENT - STAGED MULTIPLE DWELLINGS (ONE EXISTING AND SEVEN PROPOSED) - 2 MOORE PARK DRIVE GLENORCHY**

Author: Planning Officer (Peter Coney)

Qualified Person: Planning Officer (Peter Coney)

Property ID: 3196034

### **REPORT SUMMARY**

<b>Application No.:</b>	<b>PLN-22-403</b>
<b>Applicant:</b>	<b>Emmanuel Dellas Pty Ltd</b>
<b>Owner:</b>	<b>Tosajo Corporation Pty Ltd</b>
<b>Zone:</b>	<b>General Residential Zone</b>
<b>Use Class</b>	<b>Residential</b>
<b>Application Status:</b>	<b>Discretionary</b>
<b>Discretions:</b>	<b>8.4.2 (A1) (A3) Setbacks and building envelopes for all dwellings</b> <b>8.4.3 (A1) Site coverage and private open space.</b> <b>8.4.6 (A1) and (A3) Privacy for all dwellings</b> <b>C2.6.5 (A1.1) Pedestrian access</b> <b>C3.5.1 (A1) Traffic generation at a vehicle crossing, level crossing or new junction</b> <b>C9.5.2 (A1) Sensitive use within an attenuation area.</b>  (The proposal meets all other applicable standards as demonstrated in the attached appendices)

<b>Level 2 Activity?</b>	<b>No</b>
<b>42 Days Expires:</b>	<b>03 October 2023</b>
<b>Existing Land Use:</b>	<b>Single Dwelling</b>
<b>Representations:</b>	<b>2</b>
<b>Recommendation:</b>	<b>Approval subject to conditions</b>

## **REPORT IN DETAIL**

### **PROPOSAL**

The proposal is for a change of use and development of eight multiple dwellings, where seven are proposed as new, and one is the existing single dwelling. For the new, Units 1 and 2 are single storey, with three bedrooms and open plan kitchen-living-dining. For units 3, 4, 5, 6 and 7, these are double storey, with three upper floor bedrooms and kitchen-living-dining areas downstairs. The proposal includes extensive civil works for the provision of utilities and parking infrastructure, where 19 spaces are proposed. The proposal also includes the demolition of an outbuilding, retaining walls and moderate landscaping.

Of note, though the application form indicates the development is to be staged, the applicant has clarified there is no intention at this time to stage, and for that reason recommended conditions of approval do not relate to any staging.

### **SITE and LOCALITY**

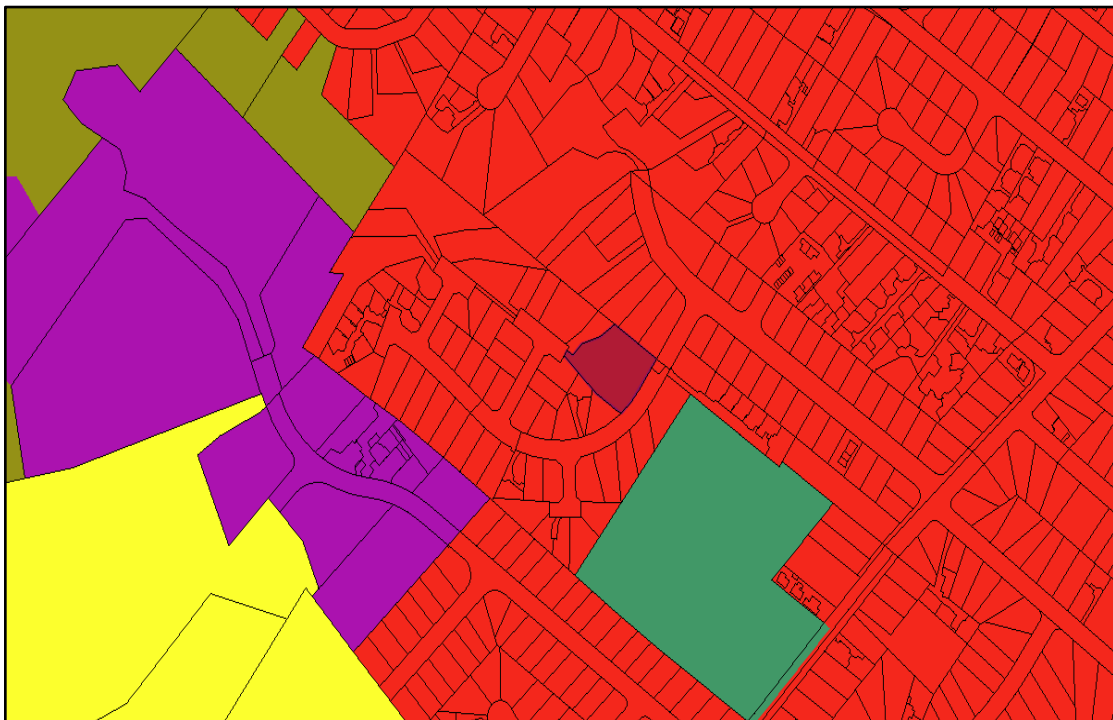
The site has an area of approximately 3200m<sup>2</sup>, situated on the northern side of Moore Park Drive, Glenorchy. The site rises moderately, with a grade of 3% generally, but this grade is most pronounced at the south west corner of the site (approximately 15%). This grade necessitates a degree of cutting into the earth for level building areas, and has caused for careful consideration in the siting and orientation of the dwellings.



**Figure 1.** Graphic indicating the site (blue) within the immediate locality.

## ZONE

The subject site is in the General Residential Zone, and is in proximity to the Open Space zone, which has been applied to the Chapel Street Reserve. The site also is within proximity to the Light Industrial zone, applied to Jackson Street.



**Figure 2.** Application of zones within the locality.

## BACKGROUND

PLN-07-4817 - Approved for a largely similar layout (See Figure 3), though assessed under the Glenorchy Planning Scheme 1992. There is no record of this development having substantially commenced and so the permit is considered to have lapsed.



Figure 3. Previously approved plan.

## ASSESSMENT

### STATE POLICIES, OBJECTIVES of LUPAA

There are no inconsistencies with any other State Policies or with the objectives of the *Land Use Planning and Approvals Act 1993* (LUPAA).

A condition is recommended requiring appropriate soil and water management to prevent erosion and the transport of sediments into surface waters, consistent with the State Policy on Water Quality Management.

### TASMANIAN PLANNING SCHEME - GLENORCHY 2021

#### State Planning Provisions (SPP)

#### Administration

#### Exemptions (Tables 4.1 – 4.6)

Nil.

### **Planning Scheme Operation (Does a General Provision, SAP or Code override Zone provisions?)**

No General Provision or Specific Area Plan applies. The Parking and Sustainable Transport Code, Road and Railway Assets Code and Flood-Prone Areas Hazard Code apply, and therefore prevail over the zone provisions, where there is any conflict.

### **Use Class Description (Table 6.2):**

**Residential:** means use of land for self-contained or shared accommodation. Examples include a secondary residence, boarding house, communal residence, home-based business, home-based child care, residential care facility, residential college, respite centre, assisted housing, retirement village and single or multiple dwellings.

### **Other relevant definitions (Clause 3.0):**

**Dwelling** means a building, or part of a building, used as a self contained residence and which includes food preparation facilities, a bath or shower, laundry facilities, a toilet and sink, and any outbuilding and works normally forming part of a dwelling.

For the purposes of the Road and Railway Assets Code:

**Major road** means a category 1, 2 or 3 road as defined in the State Road Hierarchy, and any other road described in an other major roads list in the relevant Local Provisions Schedule.

**Road or railway attenuation area** means a road or railway attenuation area shown on an overlay map in the relevant Local Provisions Schedule or, if not shown, an area within 50m of the boundary of:

- (a) a major road with a speed limit above 60km/h
- (b) the rail network
- (c) a future major road, or
- (d) a future railway.

**Vehicular traffic** means traffic composed of motor vehicles as motor vehicle is defined in section 3 of the *Vehicle and Traffic Act 1999*.

For the purposes of the C9.0 Attenuation Code:

**Attenuation area** means land that is: within the boundary of an attenuation area shown on an overlay map in the relevant Local Provisions Schedule; or within the relevant attenuation distance from an activity listed in Table C9.1 or C9.2, which is an existing activity or an activity for which a planning permit is in force.

### **General Provisions**

No General Provisions of the Scheme apply to this proposal.



## **Zones**

The land is within the General Residential Zone and the following zone purpose statements, use table, use standards and/or development standards apply to this proposal.

### **Zone Purpose Statements**

The purpose of the General Residential Zone is:

To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.

To provide for the efficient utilisation of available social, transport and other service infrastructure.

To provide for non-residential use that:

- (a) primarily serves the local community; and
- (b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.

To provide for Visitor Accommodation that is compatible with residential character.

### *Comment*

The proposal is for a residential use which is permitted in the zone.

### **Use Table**

Residential use for multiple dwellings has 'permitted' status in the zone. However, the proposal is discretionary owing to reliance on performance criteria for compliance with applicable use and development standards, as outlined in this report.

### **Use Standards**

There are no use standards applicable.

### **Development Standards for dwellings**

The proposal complies with each of the Acceptable Solutions of the applicable standards of the General Residential Zone, except where reliant on the Performance Criteria for 8.4.2 (P1) (P3) Setbacks and building envelopes for all dwellings, 8.4.3 (P1) Site coverage and private open space, and 8.4.6 (P1) and (P3) Privacy for all dwellings.

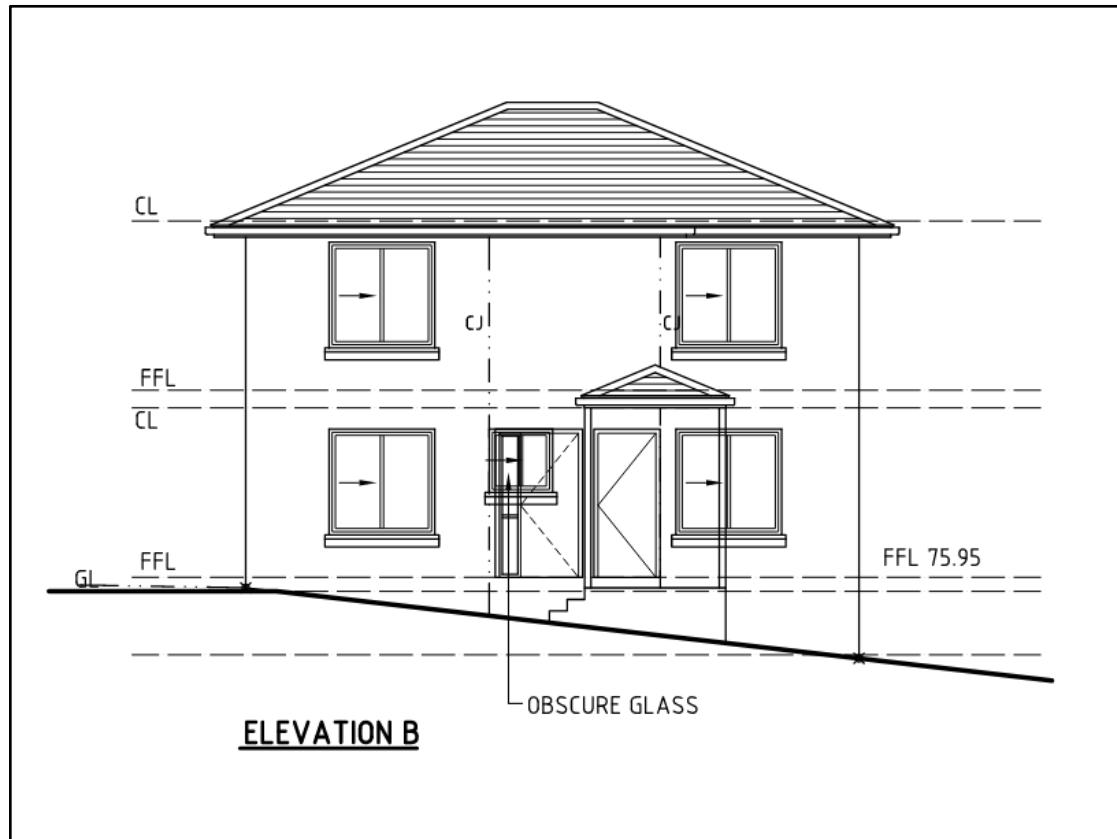
8.4.2 (P1) Setback and building envelope.

Unit 4 has a portico to the fore of the building which is setback 3.5m from the frontage. As a protrusion greater than 0.9m, the proposal is reliant on the performance criteria which require:

*A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints.*

*Comment*

The proposed setback of 3.5m for the covered entrance of the dwelling is a minor deviation from the Acceptable Solution, noting the bulk of the dwelling is setback at 4.5m. The proposal is considered to be entirely within the expectation of residential development in the General Residential Zone and so is compatible irrespective of this protrusion and for that reason is considered to comply.



**Figure 4.** Elevation of Unit 4 as visible from Moore Park Drive, where only the lower level portico intrudes upon the frontage setback.

#### 8.4.2 (P3) Setback and building envelope

Unit 4 has a portico to the fore of the dwelling, and Unit 3 has a deck which is roofed and protrudes to a moderate degree from the building envelope (see figure 5). The proposal is therefore reliant on the performance criteria which require:

*The siting and scale of a dwelling must:*

- (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:*
  - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;*

- (ii) overshadowing the private open space of a dwelling on an adjoining property; (iii) overshadowing of an adjoining vacant property; and*
  - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;*
- (b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and*
- (c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:*
  - (i) an adjoining property; or*
  - (ii) another dwelling on the same site*

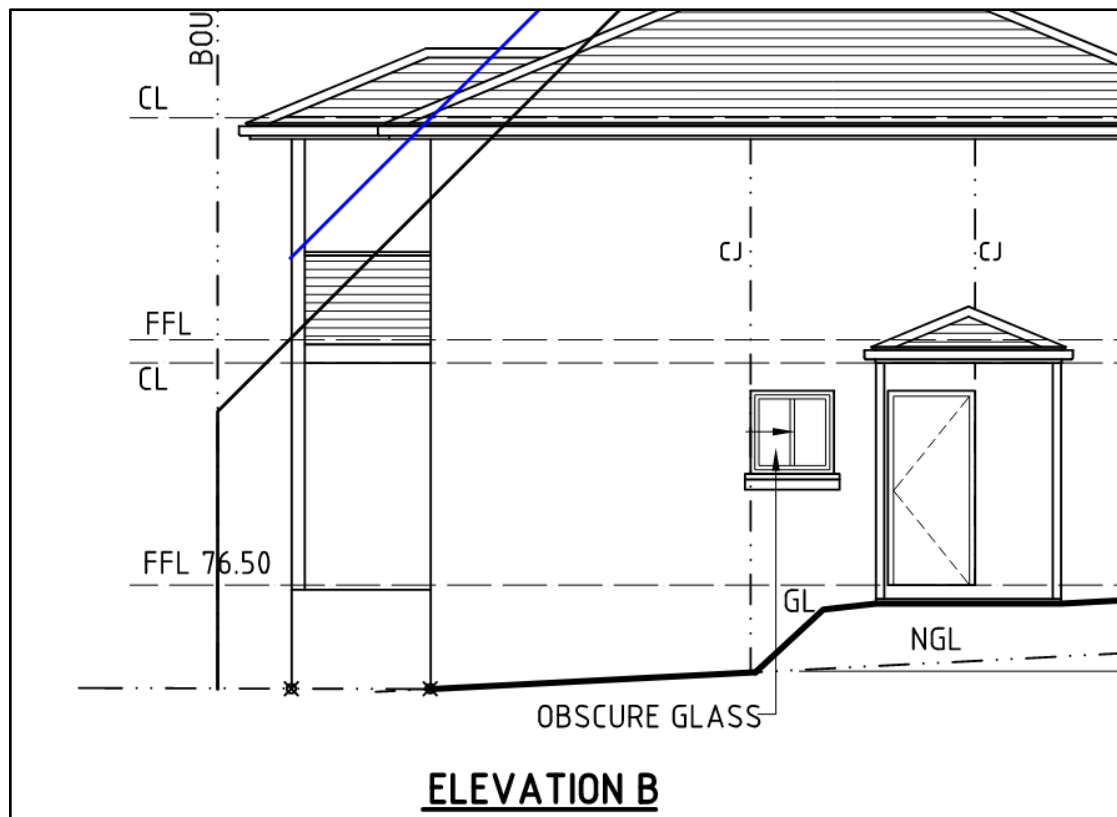
*Comment*

With respect to the portico for Unit 4, the impact on adjoining properties with an excess of 8m setback from the side boundary is negligible. With respect to the road, as commented in the assessment relevant to the frontage setback, the proposal is entirely within the expectation of residential development in the locality, and so is reasonable. There is no unreasonable overshadowing or visual impact by virtue of this aspect of the development.

For Unit 3, the proposed deck protrudes moderately from the building envelope. There is no specific need for the deck, tending to its reasonableness as a visual impact being questionable. The deck does not contribute to the private open space of the dwelling.

On balance, and appreciating the design also causes for additional discretionary consideration under clause 8.4.6 Privacy for all dwellings, it is a recommended condition of approval that prior to the submission of building approval documents, plans be submitted which do not include the deck.

Subject to this recommended condition, the proposal complies with this standard.



**Figure 5.** Elevation showing building envelope relative to bulk of dwelling (black) and building envelope relative to the roofed deck (blue).

#### 8.4.3 Site coverage and private open space for all dwellings

The proposed private open space for Unit 1 is 56m<sup>2</sup>, the proposal is therefore reliant on the performance criteria which require:

*Dwellings must have:*

- (a) site coverage consistent with that existing on established properties in the area;*
- (b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate:
 
  - (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and*
  - (ii) operational needs, such as clothes drying and storage; and**
- (c) reasonable space for the planting of gardens and landscaping.*

### Comment

The proposal has a sufficient area of private open space to the north east, thus affording a high degree of solar access. Despite this area being in an ideal location, the internal layout of the dwelling will cause for the occupants to walk either clockwise from the laundry to the private open space, or out the front door through parking areas and a gate. Having regard to criterion (b) (ii), and the objective of the standard relating to the operational needs of the occupants, it is reasonable to impose a condition relating to the provision of a doorway from the lounge to the private open space, thus affording more direct access.

Subject to recommended conditions the proposal is considered to comply.



**Figure 6.** Site plan showing internal layout for Unit 1 with back door marked A.

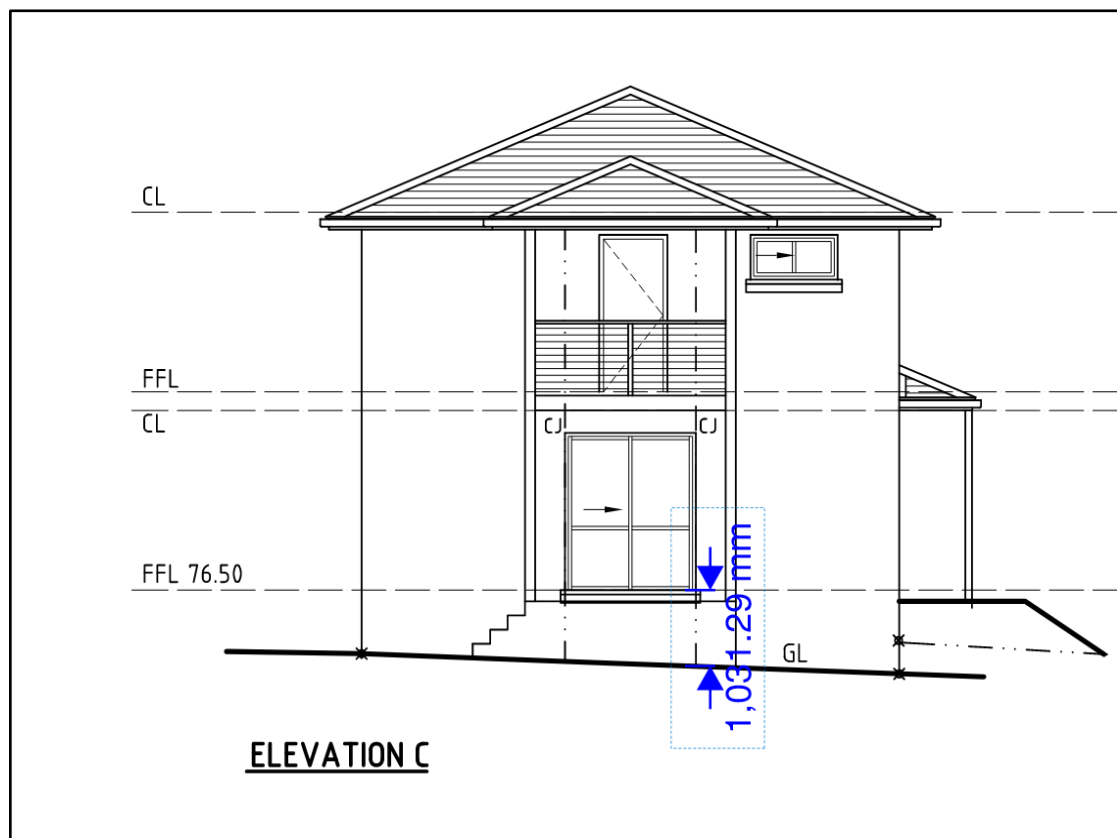
#### 8.4.6 (P1) Privacy for all dwellings

The proposed deck for Unit 3 is above 1m and within 3m of the north east boundary. The deck has no screening proposed, and has the potential to overlook the private open space of the dwelling at 30 Paringa Road.

On balance, and noting the provision of a screen would not ameliorate the visual impact as considered under clause 8.4.2 within this report, it is a recommended condition of approval that prior to the submission of building approval documents, plans be submitted which do not include the deck, and these plans will subsequently form part of any permit issued. Subject to this condition, the proposal will comply.

With respect to the landing being measured at its greatest 1.03m above natural ground level; though not complying with the acceptable solution, it is considered to screen that portion of the landing which exceeds 1m would be nonsensical owing to its minor width. The proposal therefore is able to proceed as made, appreciating it is designed to the largest degree to minimise overlooking, being predominately at or less than 1m above natural ground level.

The proposal is considered to comply.



**Figure 7.** Graphic indicating the measured height above natural ground level for that part of the landing which is highest above natural ground level.

#### 8.4.6 (P3) Privacy for all dwellings

The parking spaces and circulation areas, relative to the existing dwelling (Unit 8) are not in accordance with the acceptable solution (see Figure 8).

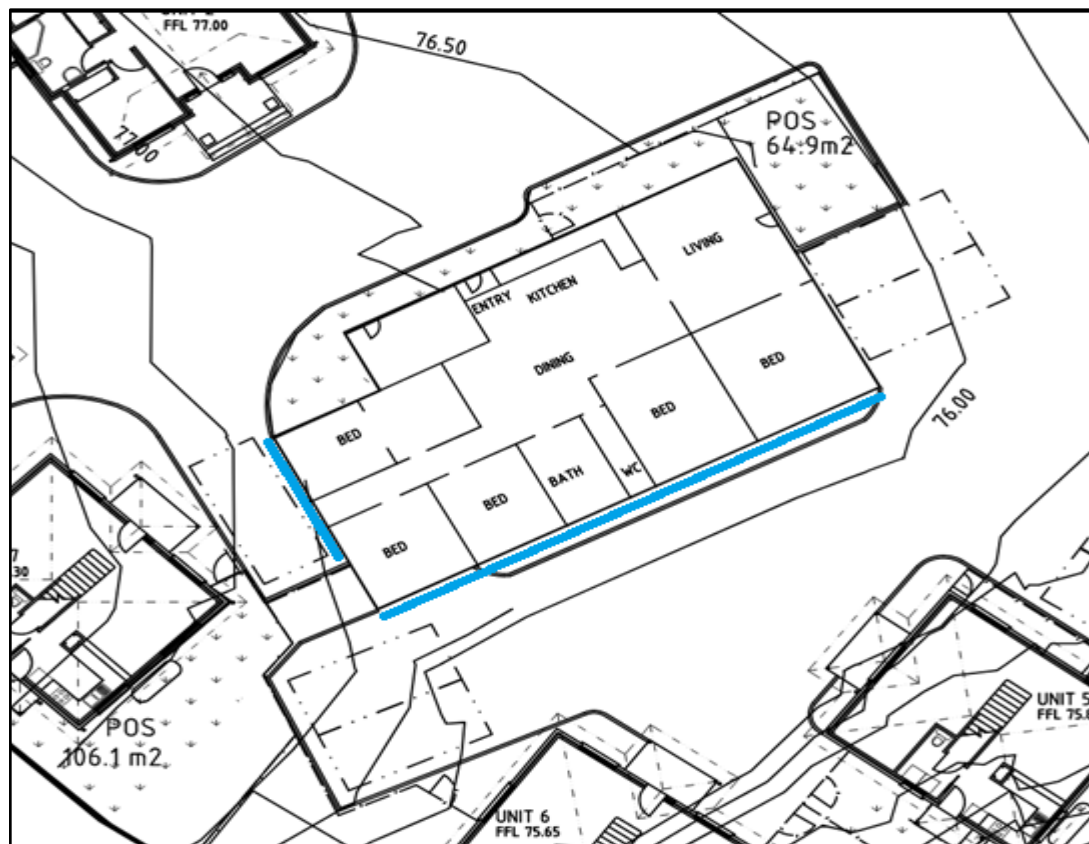
The proposal is therefore reliant on the performance criteria which require:

*A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.*

It is considered that subject to a condition requiring the erection of a screen at the southern elevation of the existing unit, which extends for the breadth of any portion of that dwelling where the building face is both parallel to the edge of the kerb, and is separated by less than 2.5m from that kerb; the development will be sufficient to minimise the instance of vehicle noise and light intrusion to those bedrooms.

This condition affords the ability to both extend the separation of the kerb from the bedroom windows to comply with the acceptable solution, or to provide screening for any portion where distance to the edge of the kerb cannot be increased without compromising parking and turning areas.

Subject to this recommended condition the proposal is considered to comply.



**Figure 8.** Extract of site plan showing those windows within 2.5m of the edge of the kerb to internal circulation areas, or parking spaces.

## **Codes**

The following codes of the Scheme apply to this proposal:

### **C2.0 Parking and Sustainable Transport Code**

The proposal has been referred to Council's Development Engineer who has made comment in the referrals section of this report.

The proposal is considered to comply with each of the applicable standards of this code, and specifically with the performance criteria for C2.6.5 (A1.1) Pedestrian access.

### **C3.0 Road and Railway Assets Code**

The proposal has been referred to Council's Development Engineer who has made comment in the referrals section of this report.

The proposal is considered to comply with each of the applicable standards of this code, and specifically with the performance criteria for C3.5.1 (A1) Traffic generation at a vehicle crossing, level crossing or new junction

### **C9.0 Attenuation Code**

The proposal is for additional sensitive uses within the attenuation area of a number of attenuating activities.

The proposal has been referred to Council's Environmental Health Officer who has made comment in the referrals section of this report.

The proposal is considered to comply with each of the applicable standards of this code, specifically with the performance criteria for C9.5.2 Sensitive use within an attenuation area.

## **Glenorchy Local Provisions Schedule (GLPS)**

### **Local Area objectives**

No local area objectives of the Scheme apply to this proposal.

### **Particular Purpose Zones**

No particular purpose zones of the Scheme apply to this proposal.

### **Specific Area Plans**

No specific area plans of the Scheme apply to this proposal.

### **GLE-Site Specific Qualifications**

The following site-specific qualifications of the Scheme apply to this proposal (refer to the Site Specific Qualifications table).



## GLE-Code lists

No code lists of the Scheme apply to this proposal.

## INTERNAL REFERRALS

### Development Engineer

The proposal has been referred to Councils Development Engineer who has made the following comments:

### Comments

The development application seeks an approval to construct 7 dwellings on the subject site which already has an existing dwelling. The works include widening to the existing crossover, upgrading the existing 100mm stormwater connection to the pit via Moore Park Drive to a 150mm and works associated driveway and parking spaces for 19 car spaces. Out of the 19 total spaces, 3 car parking spaces are for the visitors. The scope of the works can be seen in the figure below.

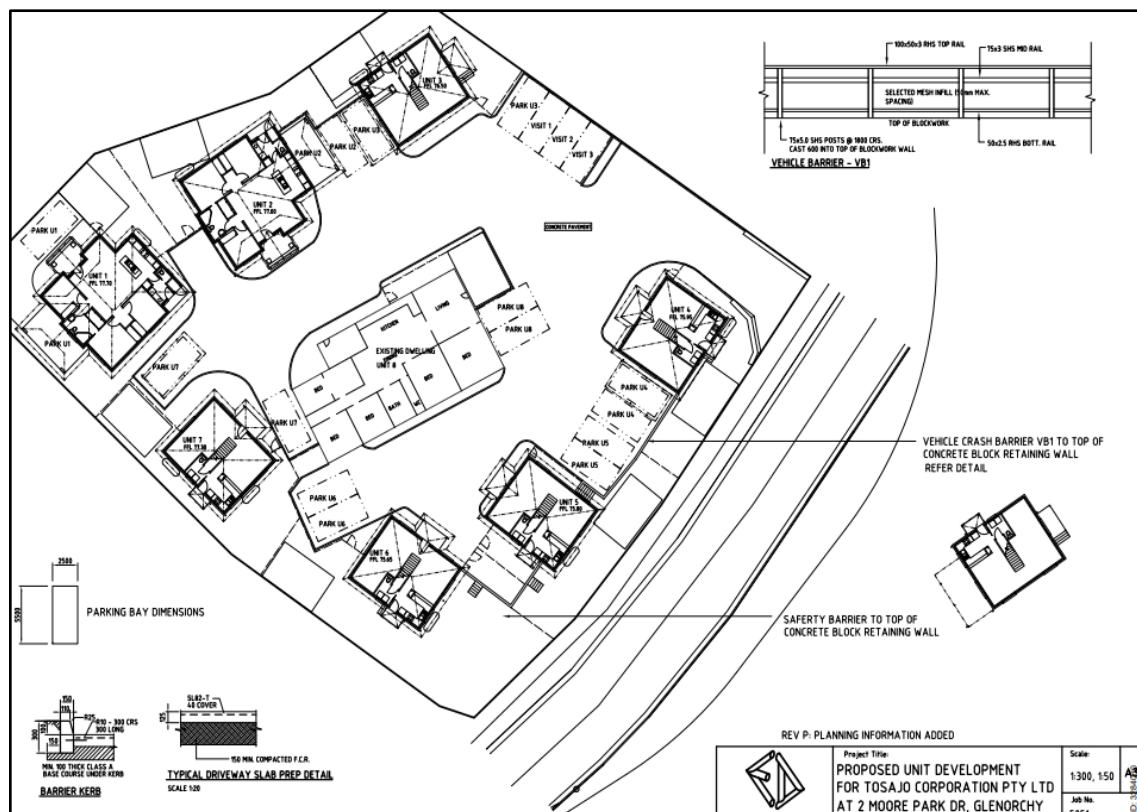
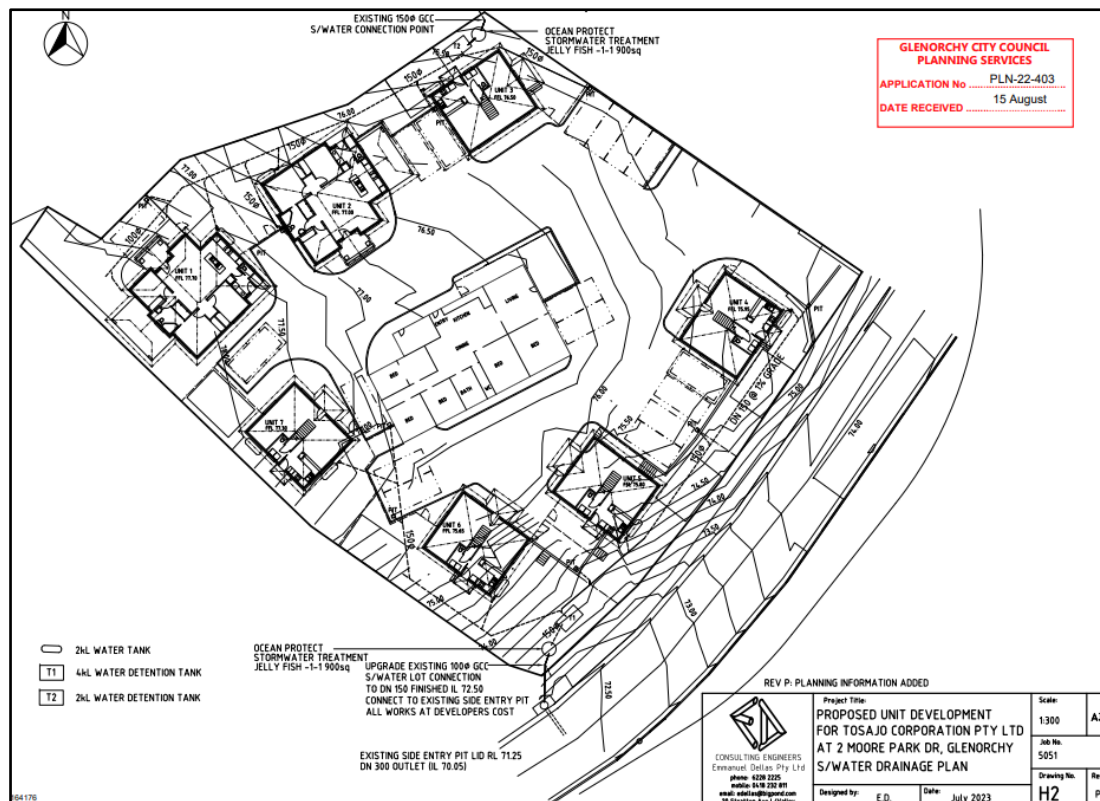


Figure 9. Site plan extract.

Runoff from the development is proposed to be collected and drained to the on-site stormwater detention system and the stormwater treatment elements prior to discharged to both stormwater connections, as see in the figure below.



**Figure 10.** Stormwater concept design.

Therefore, the General Manager's consent to interfere with stormwater infrastructure can be granted.

### C3.0 Road and Railway Assets Code

The development is considered to comply with the code requirements and local traffic conditions are not expected to be significantly affected.

Unit 1 will be accessed via site can be accessed off the existing vehicle crossing off Hillcot Place; while the rest of the units are proposed to access via the widened crossover off Moore Park Drive. Based on the RTA Guide to Traffic Generating Developments, the total traffic generation of the development is slightly exceeding 40 vehicles per day (9 trips per dwelling), and therefore, the assessment against the performance criteria is triggered. However, the increase will be no more than 20% of the existing traffic flow of the immediate road network.

Moore Park Drive is 7.5m wide link road with two-way traffic flow to Paringa Road which is a local road. It is concluded that the amount of traffic expected to be generated from the development is reasonably low, and there is sufficient capacity within the surrounding street network to absorb the extra vehicle movements, without adversely impacting other users or residential amenity.

Therefore, it is considered that, the performance criteria for C3.5.1 P1 is satisfied.

## **C2.0 Parking and Sustainable Transport Code**

The development complies with the Code and is considered that the site is capable of being developed and the local traffic conditions are not expected to be significantly affected.

The requirement under the C2.5.1 and table C2.1, A1 requires the 2 car parking spaces for each dwelling, plus a total of 2 visitor parking spaces (1 per 4 dwellings). The applicant proposes to comply and exceed the requirements providing the total of 19 car parking spaces for the entire site – two (2) per each dwelling plus three (3) visitor parking spaces.

There are no requirements for accessible car parking spaces, bicycle, motorcycle parking spaces and commercial vehicle applicable to the development application. The layout of parking area complies with the standard AS2890.1:2004. The surface treatment of the driveway is proposed to be concrete. Surface runoff is proposed to be captured and directed to the Council's stormwater system.

According to the Planning Scheme, to comply with the acceptable solution of C2.6.5 A1, a 1-metre-wide pedestrian footpath is required where the use requires more than 10 car parking spaces. The proposed development does not include a 1m wide footpath with a 2.5m horizontal distance to accessway or parking aisle. Hence this does not comply with the acceptable solution; however, the pedestrian pathway is accessed over the shared driveway along the main driveway loop. This arrangement is not uncommon for the residential use and providing the development is with good visibility within the site with the road width and sufficient turning areas, it is considered the arrangement is acceptable. Therefore, the performance criteria are considered satisfied.

## **Other**

### **C15.0 Landslide Code**

There are no landslide issues identified through Council's records that affect the application.

### **C7.0 Natural Assets Code**

There are no Natural assets issues identified through Council's records that affect the application.

### **C12.0 Flood-Prone Areas Hazard Code**

There are no Flooding issues identified through Council's records that affect the application.

## **Environmental Health Officer**

The proposal has been referred to councils Environmental Health Officer who has made the following comments:

The application triggers the Attenuation Code (C9.0). The application is for sensitive use within an attenuation area. There is no Acceptable Solution for sensitive use within an attenuation area therefore relying on the performance Criteria P1 of C9.5.2.

The sensitive use within an attenuation area, must not interfere with or constrain an existing listed activity having regard to:

- (a) the nature of the activity with potential to cause emissions including:
  - (i) operational characteristics of the activity;*
  - (ii) scale and intensity of the activity; and*
  - (iii) degree of hazard or pollution that may be emitted from the activity;**
- (b) the nature of the sensitive use;*
- (c) the extent of encroachment by the sensitive use into the attenuation area;*
- (d) measures in the design, layout and construction of the development for the sensitive use to eliminate, mitigate or manage effects of emissions of the activity;*
- ~~*(e) any advice from the Director, Environment Protection Authority; and*~~
- ~~*(f) any advice from the Director of Mines.*~~

The application is centrally located within a General Residential Zone. The application is not encroaching closer to the activities listed (wrecking yard, motor body works and waste facility) than the already surrounding residential uses. The proposed application is not predicated interfere with or constrain an existing listed activity given the location and construction standards. No conditions are recommended.

## **Waste Management Officer**

### **Comments:**

Waste Services to the proposed multiple dwelling development at 2 Moore Park Drive Glenorchy would be Council's standard bin service collected fortnightly.

- The Council's Standard Bin Service includes one (1) x 140L wheelie bin for Waste, one (1) x 240L wheelie bin for recycling and (1) x 240L FOGO bin to each of the dwelling, collected fortnightly.
- Please note that this property would have a total of twenty four (24) bins, eight (8) Waste bins, eight (8) Recycling Bins, and eight (8) FOGO bins.
- This property has an existing kerbside/nature strip area for placement of the bins therefore the dwellings would have their own individual bins.

- All bins are to be placed on the kerbside for collection. Please note there will be eight (8) waste and eight (8) recycling bins out for collection one week and eight (8) FOGO bins out for collection the following week.
- Council's Waste Management Contractor collection trucks will not enter the property to collect and empty the wheelie bins.

## EXTERNAL REFERRALS

### TasWater

The proposal has been referred to TasWater which has provided a submission to be appended to any permit issued.

## REPRESENTATIONS

The application was advertised for the statutory 14-day period with 2 representations being received. The issues raised are as follows:

- **The location of Unit 7 presents a line of sight between the back door of that property and a separate property on adjacent land.**

*Comment:*

Unit 7 is within the prescribed building envelope and there is no recourse to eliminate doors which may be aligned across property boundaries, noting the finished floor level does not exceed 1m there is not considered to be an overlooking issue as regulated by clause 8.4.6

Importantly the matter has been raised with the applicant and though they do not have to make any amendment to comply, consideration may by way of advice, be given that construction drawings could review any ability to offset these doors.

- **Windows facing north east will cause for privacy issues.**

*Comment:*

The proposal has been assessed to comply with the applicable standards relating to privacy.

Unit 4 is over 8m from the north east boundary. Unit 3 is over 4m, and the landing appurtenant to unit 3 does not have a finished floor level greater than 1m above natural ground level. It is a recommended condition of approval that revised plans be provided which do not include a deck.

## CONCLUSION

The proposal is for an additional 8 dwellings to be constructed at 2 Moore Park Drive. The proposal complies with each of the applicable standards as outlined in the appendices to this report, except where reliant on the performance criteria for 8.4.2 (A1) (A3) Setbacks and building envelopes for all dwellings, 8.4.3 (A1) Site coverage

and private open space, 8.4.6 (A1) and (A3) Privacy for all dwellings, C2.6.5 (A1.1) Pedestrian access, C3.5.1 (A1) Traffic generation at a vehicle crossing, level crossing or new junction, C9.5.2 (A1) Sensitive use within an attenuation area.

As outlined in the body of this report, the proposal demonstrates compliance with the relevant performance criteria of the above listed standards.

### **Recommendation:**

That a permit for multiple dwellings (seven new and one existing) be granted for the proposed use and development of 2 Moore Park Drive Glenorchy subject to the following conditions:

### **Planning**

1. Use and development must be substantially in accordance with planning permit application No. PLN-22-403 and Drawings submitted on 17 November 2022, (1 page) 24 July 2023 (10 pages) 15 August 2023 (15 pages) pages, except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Submission to Planning Authority Notice, reference No. TWDA 2022/01887-GCC dated 23 November 2022 form part of this permit
3. Prior to submission of documentation for building approval, plans must be supplied to Council's Senior Statutory Planner which demonstrate the following:
  - (a) No deck is to be constructed for the first floor of Unit 3.
  - (b) The internal layout for Unit 1 is to afford direct access between the lounge and the private open space appurtenant to that dwelling; and
  - (c) Where any bedroom window for Unit 8 is both parallel to and within 2.5m of the edge of the kerb for the internal driveway and circulation areas, that window must be screened.

Once endorsed, these plans will form part of this permit and must be complied with.

### **Engineering**

4. Prior to the issuing of a building approval or the commencement of works on site, including demolition (whichever occurs first), submit a Soil and Water Management Plan detailing proposed sediment and erosion control measures to the satisfaction of Council's Development Engineer. The approved control measures must be installed prior to any disturbance of soil or construction activity such as concrete cutting, demolition and must be regularly inspected and maintained during the construction and demolition period to prevent soil and other materials entering the local stormwater system, roadways, or

adjoining properties. The approved control measures must remain in place until such time as all construction activity likely to generate sediment has been completed or all disturbed areas have been stabilised using vegetation and/or restored or sealed to the satisfaction of the Council. The approved Soil and Water Management Plan (SWMP) forms part of this permit and must be complied with.

*Advice: For further information please refer to the Soil and Water Management Fact Sheets published by the Department of Primary Industries, Parks, Waters and Environment. These are available from Council or online at [www.derwentestuary.org.au](http://www.derwentestuary.org.au).*

5. The loading and unloading of goods from vehicles, including building materials and equipment, must only be carried out on the land.
6. No civil works related to or associated with the use or development approved by this permit are to occur on or external to the site unless these works are in accordance with engineering drawings that have been approved by Council's Development Engineer. Changes to the design and/or location of civil works will require the submission of amended engineering drawings prepared by a licensed civil engineer for approval by Council's Engineer.
7. The property owner is to ensure that Council's Road Assets and Infrastructure are protected during the demolition and building process. The owner is to ensure that damage to road assets, footpaths, kerb and channel, drainage pits, nature strips and other services is kept to a minimum and any damaged assets are reinstated. Should damages occur, the repair costs associated with such damages are the responsibility of the property owner. If reinstatement works are not undertaken promptly or to Council's satisfaction, Council may elect to reinstate or rectify any defects and recover the expenses reasonably incurred in doing so from the property owner.
8. Any damage to Council's assets, including services, footpaths, driveway crossings and nature strips must be promptly reported to and then repaired to the requirements of Council's Development Engineer, at the developer's cost. It must be the developer's responsibility to obtain and submit with the Building Application, a comprehensive photographic record of the condition of the footpaths, driveways and nature strips at the road frontage to the site and adjacent to the site, prior to commencing construction. The photographic record shall be relied upon to establish the extent of damage caused to Council's assets throughout construction. In the event that the developer fails to provide a pre-construction photographic record of the site then any damage to Council assets found on completion of the works shall be deemed to be the responsibility of the developer and shall be repaired at the developer's cost.

9. A detailed estimate for the works must be provided and payment of the engineering drawing approval fee must be made prior to the issue of approved engineering drawings or the issuing of the building approval. Under Council Schedule of fees and charges 2023/2024, the engineering drawings approval fee is 2.1% of the value of the civil works. This amount is subject to annual adjustment in accordance with the Council Fees and Charges Register. Construction must not commence until the approved engineering plans have been issued.
10. The applicant must pay Council the amount of \$291.40 to complete the measure up and record 'as constructed' data for all assets to be taken over by council prior to the completion. This amount is subject to annual adjustment with the Council Fees and Charges Register.
11. The design and construction of the parking, access and turning areas must comply with the Australian Standard, Parking facilities, Part 1: Off-Street Car parking, AS 2890.1 – 2004, to the satisfaction of the Council's Development Engineer. Engineering Drawings showing the driveway details must be in accordance with the Australian Standard and submitted with the Building Application for approval by Council's Development Engineer prior to the commencement of works on site. The proposed driveway and parking must comply with the following:-
  - Be constructed to a sealed finish and the finished gradient shall not exceed the maximum gradient of 25% or 1 in 4.
  - Vertical alignment shall include transition curves (or straight sections) at all grade changes greater than 12.5%.
  - Total of 19 clearly marked car parking spaces (2 spaces per each dwelling and 3 spaces for visitor parking spaces) must be provided in accordance with the approved plan received by Council and always kept available for these purposes.
  - All runoff from paved and driveway areas must be discharged into Council's stormwater system.
  - The footpath crossfall must not be altered.
  - The gradient of any parking areas must not exceed 5% and
  - Minimum carriageway width at access is to be no less than 5.5 metres.
12. All works required by this condition must be installed prior to the occupancy of the dwellings.
13. Widening to the existing vehicle crossing to provide a passing bay at the access point must be constructed in accordance with the Tasmanian standard drawing TSD-R09-v3, TSD-R11-v3 and TSD-R14-v3 between the kerb and the property



boundary and completed to the satisfaction of Council's Development Engineer prior to the occupancy. The detail design must be submitted and approved prior to the issuing of a Building Permit Approval.

14. Barrier compliant with the Australian Standard AS 1170.1 must be installed to prevent vehicles running off the edge of a carriageway, raised platform or deck where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops must be installed for drops between 150mm and 600mm. Barriers must not limit the width of the driveway access or parking and turning areas approved under the permit. All works required by this condition must be installed prior to the occupancy of the dwelling.
15. Prior to the commencement of the use or development, upgrading the existing stormwater connection to a 150mm to Council's public stormwater system onto the property boundary must be installed in accordance with the approved plans. Any existing abandoned connections must be made redundant and sealed by owner's expense. The stormwater connection(s) must be constructed by a suitably qualified person to the satisfaction of Council and be inspected by Council's Development Engineer. The applicant must contact Council and submit for approval the Stormwater Connection Request Form. A copy of the Stormwater Connection Request Form can be obtained via Council's Customer Service or via Council's website <https://www.gcc.tas.gov.au/council/documents-and-publications/forms/>, which outlines the process and conditions for stormwater connections.
16. A maintenance schedule for the ongoing maintenance of the on-site stormwater detention infrastructure and the water sensitive urban design infrastructure must be provided to Council's Development Engineer for approval prior to the commencement of the use and/or the issuing of the plumbing approval. When approved, the maintenance schedule forms part of this permit.
17. The landowner must maintain the on-site stormwater detention and water sensitive urban design infrastructure in accordance with the approved maintenance schedule.

### **Advice to Applicant**

*This advice does not form part of the permit but is provided for the information of the applicant.*

#### ***General Manager's Consent for Stormwater Management***

Any conditions and/or advice as set out in the attached General Manager's Consent for Stormwater Management, reference No. PLN-22-403 dated 18 September 2023, is associated with this permit.

### *Other Permits*

Please be aware that this planning permit is a planning approval issued under the Tasmanian Planning Scheme - Glenorchy. You should consult with an accredited Building Surveyor prior to commencing this use or work to ensure all relevant requirements of the *Building Act 2016* are complied with.

In addition to this planning permit, a building permit and/or plumbing permit may also be required. If further clarification is required, please contact Council's Building Section on 6216 6800.

The designer must ensure that the needs of all providers including TasWater, TasGas, TasNetworks, and Telstra are catered for both in the design and construction of the works. Underground service providers should be contacted for line marking of their services and any requirements or conditions they may have prior to commencing any works on site. Phone 1100, Dial Before You Dig or visit [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) for information on the location of underground services and cables in relation to the proposed development prior to commencing any works on site.

Prior to the commencement of any work within the road reservation by a private contractor, the contractor must obtain a Road Opening Permit from the Council's Compliance Officer. This permit shall include items such as hours of work, road safety, reinstatement, soil and water management, etc. The Road Opening Permit Application Form is available via Council's website <https://www.gcc.tas.gov.au/wp-content/uploads/2022/08/Road-Opening-Permit-Application-Form-1.pdf>

### **Attachments/Annexures**

- 1 GPA Attachment - 2 Moore Park Drive, Glenorchy



## APPENDIX 1

### 8.0 General Residential Zone

Standard	Acceptable Solution	Proposed	Complies?
<b>8.4 Development Standards for Dwellings</b>			
<b>8.4.1</b> <b>Residential density for multiple dwellings</b>	<b>A1</b> Multiple dwellings must have a site area per dwelling of not less than 325m <sup>2</sup> .	The site area per dwelling is approximately 1/396m <sup>2</sup>	Complies
<b>8.4.2</b> <b>Setbacks and building envelopes for all dwellings</b>	<b>A1</b> Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:  (a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;  (b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;	The bulk of the proposal is sited more than 4.5m from the primary frontage. though a portico entrance to unit 4 has a setback of approximately 3.5m	See report

Standard	Acceptable Solution	Proposed	Complies?
	<p>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.</p>		
	<p><b>A2</b></p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <p>(a) 5.5m, or alternatively 1m behind the building line;</p> <p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>	None proposed	N.A

Standard	Acceptable Solution	Proposed	Complies?
	<p><b>A3</b></p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:</p> <ul style="list-style-type: none"> <li>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</li> <li>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</li> </ul> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <ul style="list-style-type: none"> <li>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</li> <li>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</li> <li>(iii)</li> </ul>	<p>The proposal protrudes from the building envelope at varying degrees related specifically to</p> <p>Unit 1 is single storey and complies</p> <p>Unit 2 is single storey and complies</p> <p>Unit 3 Deck and roof protrude to a moderate degree</p> <p>Unit 4 has a protrusion to the fore of the site, which though not unreasonable requires consideration.</p> <p>Unit 7 is a minor protrusion,</p>	<p>See report</p>
<p><b>8.4.3</b></p> <p><b>Site coverage and private open space for all dwellings</b></p>	<p><b>A1</b></p> <p>Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and</p>	<p>Site coverage does not exceed 50%</p> <p>Unit 1 P.O.S is 56m<sup>2</sup></p>	<p>No See Report</p>

Standard	Acceptable Solution	Proposed	Complies?
	<p>(b) for multiple dwellings, a total area of private open space of not less than 60m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</p>	<p>Unit 2 P.O.S is 106.8m<sup>2</sup></p> <p>Unit 3 P.O.S is 94.6m<sup>2</sup></p> <p>Unit 4 P.O.S is 82.1m<sup>2</sup></p> <p>Unit 5 P.O.S is 109m<sup>2</sup></p> <p>Unit 6 P.O.S is 206m<sup>2</sup></p> <p>Unit 7 P.O.S is 106m<sup>2</sup></p> <p>Unit 8 P.O.S is 64.9m<sup>2</sup></p>	
	<p><b>A2</b></p> <p>A dwelling must have private open space that:</p> <p>(a) is in one location and is not less than:</p> <p>(i) 24m<sup>2</sup>; or</p> <p>(ii) 12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of not less than:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p>	<p>Each dwelling has an area of private open space in one location which complies.</p>	Complies

Standard	Acceptable Solution	Proposed	Complies?
	<p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>		
<p><b>8.4.4</b></p> <p><b>Sunlight to private open space of multiple dwellings</b></p>	<p><b>A1</b></p> <p>A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 8.4.3, must satisfy (a) or (b), unless excluded by (c):</p> <p>(a) the multiple dwelling is contained within a line projecting (see Figure 8.4):</p> <ul style="list-style-type: none"> <li>(i) at a distance of 3m from the northern edge of the private open space; and</li> <li>(ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal;</li> </ul> <p>(b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and</p> <p>(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:</p> <ul style="list-style-type: none"> <li>(i) an outbuilding with a building height not more than 2.4m; or</li> </ul>	<p>Dwellings are orientated on a predominately north east axis. Though the principle locations of the private open space are variously sited with respect to the dwellings and no area of private open space is to the south of a dwelling.</p>	<p>Complies</p>

Standard	Acceptable Solution	Proposed	Complies?
	(ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.		
<b>8.4.5</b> <b>Width of openings for garages and carports for all dwellings</b>	<b>A1</b> A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).	Unit 1 Carport is greater than 12m from the frontage at Hillcot Place.  The carport for unit 4 has a width of approximately 3m	Complies
<b>8.4.6</b>	<b>A1</b>		



Standard	Acceptable Solution	Proposed	Complies?
<b>Privacy for all dwellings</b>	<p>A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> <li>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;</li> <li>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and</li> <li>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m: <ul style="list-style-type: none"> <li>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</li> <li>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</li> </ul> </li> </ul>	The proposed deck for unit 3 has a finished floor level above 1m, though is setback within 3m. the deck is not proposed to be screened.	No see report
	<p><b>A2</b></p> <p>A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p>	<p>Unit 3 windows exceed setback greater than 4m</p> <p>Unit 7, though within 3m has no windows to rooms with a finished floor level above 1m.</p>	Complies

Standard	Acceptable Solution	Proposed	Complies?
	<p>(a) the window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to have a setback of not less than 3m from a side boundary;</li> <li>(ii) is to have a setback of not less than 4m from a rear boundary;</li> <li>(iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</li> <li>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.</li> </ul> <p>(b) the window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;</li> <li>(ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing</li> </ul>	All other dwellings are set back sufficiently to comply	

Standard	Acceptable Solution	Proposed	Complies?
	<p>extending to a height of not less than 1.7m above the floor level; or</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</p>		
	<p><b>A3</b></p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of not less than 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</p>	<p>Parking spaces for Unit 6 and Unit 7 are setback less than 2.5m from the bedrooms of the existing dwelling, to become Unit 8. These bedrooms have windows and as such the proposal is reliant on the performance criteria.</p>	<p>No See report</p>

Standard	Acceptable Solution	Proposed	Complies?
<b>8.4.7</b> <b>Frontage Fences for all dwellings</b>	<b>A1</b> No Acceptable Solution <sup>1</sup> .  <i>(<sup>1</sup>An exemption applies for fences in this zone – see Table 5.6 in Exemptions)</i>	Not applicable.	N.A
<b>8.4.8</b> <b>Waste Storage for multiple dwellings</b>	<b>A1</b> A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m <sup>2</sup> per dwelling and is within one of the following locations: <ul style="list-style-type: none"> <li>(a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</li> <li>(b) a common storage area with an impervious surface that:               <ul style="list-style-type: none"> <li>(i) has a setback of not less than 4.5m from a frontage;</li> <li>(ii) is not less than 5.5m from any dwelling; and</li> <li>(iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.</li> </ul> </li> </ul>	Each dwelling has an area capable of storing the number of bins to be provided, and in an exclusive area.	Complies

## C2.0 Parking and Sustainable Transport Code

Standard	Acceptable Solution	Proposed	Complies?
<b>C2.5 Use Standards</b>			
<b>C2.5.1</b> <b>Car parking numbers</b>	<b>A1</b> The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if: <ul style="list-style-type: none"> <li>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</li> <li>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</li> <li>(c) the site is subject to Clause C2.5.5; or</li> <li>(d) it relates to an intensification of an existing use or development or a change of use where: <ul style="list-style-type: none"> <li>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</li> </ul> </li> </ul>	18 required 19 spaces proposed.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	<p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> <p><math>N = A + (C - B)</math></p> <p>N = Number of on-site car parking spaces required</p> <p>A = Number of existing on site car parking spaces</p> <p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>		
<p><b>C2.5.2</b> <b>Bicycle parking numbers</b></p>	<p><b>A1</b></p> <p>Bicycle parking spaces must:</p> <p>(a) be provided on the site or within 50m of the site; and</p> <p>(b) be no less than the number specified in Table C2.1.</p>	<p>Not required</p>	<p>NA</p>
<p><b>C2.5.3</b> <b>Motorcycle parking numbers</b></p>	<p><b>A1</b></p>	<p>Not required</p>	<p>NA</p>

Standard	Acceptable Solution	Proposed	Complies?
<p><i>This applies to:</i></p> <p><i>Business and Professional Services;</i></p> <p><i>Community Meeting and Entertainment;</i></p> <p><i>Custodial Facility;</i></p> <p><i>Crematoria and Cemeteries;</i></p> <p><i>Educational and Occasional Care;</i></p> <p><i>Food Services;</i></p> <p><i>General Retail and Hire;</i></p> <p><i>Hospital Services;</i></p> <p><i>Hotel Industry;</i></p> <p><i>Pleasure Boat Facility;</i></p> <p><b>Residential if for a communal residence, multiple dwellings or hostel use;</b></p> <p><i>Sports and Recreation; and</i></p> <p><i>Tourist Operation.</i></p>	<p>The number of on-site motorcycle parking spaces for all uses must:</p> <p>(a) be no less than the number specified in Table C2.4; and</p> <p>(b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification, provided the existing number of motorcycle parking spaces is maintained.</p>		
<p><b>C2.5.4</b></p> <p><b>Loading bays</b></p> <p><i>This applies to:</i></p> <p><i>Bulky Goods Sales;</i></p> <p><i>General Retail and Hire;</i></p>	<p><b>A1</b></p> <p>A loading bay must be provided for uses with a floor area of more than 1000m<sup>2</sup> in a single occupancy.</p>	Not required	NA

Standard	Acceptable Solution	Proposed	Complies?
<i>Manufacturing and Processing; and Storage.</i>			
<b>C2.5.5</b> <b>Number of car parking spaces within the General Residential Zone and Inner Residential Zone</b> <i>This applies to:</i> <i>Business and Professional Services;</i> <i>Community Meeting and Entertainment;</i> <i>Educational and Occasional Care;</i> <i>Emergency Services;</i> <i>Food Services;</i> <i>General Retail and Hire;</i> <i>Sports and Recreation; and</i> <i>Utilities, if not for minor utilities.</i>		Not required	NA
<b>C2.6 Development Standards for Building Works</b>			
<b>C2.6.1</b> <b>Construction of parking areas</b>	<b>A1</b> All parking, access ways, manoeuvring and circulation spaces must:	Parking and driveway area proposed to be paved surface and surfaced water are to be drained to the stormwater connection.	Yes



Standard	Acceptable Solution	Proposed	Complies?
	<ul style="list-style-type: none"> <li>(a) be constructed with a durable all weather pavement;</li> <li>(b) be drained to the public stormwater system, or contain stormwater on the site; and</li> <li>(c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.</li> </ul>		
<b>C2.6.2</b> <b>Design and layout of parking areas</b>	<b>A1.1</b> Parking, access ways, manoeuvring and circulation spaces must either: <ul style="list-style-type: none"> <li>(a) comply with the following:               <ul style="list-style-type: none"> <li>(i) have a gradient in accordance with <i>Australian Standard AS 2890 - Parking facilities, Parts 1-6</i>;</li> <li>(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</li> <li>(iii) have an access width not less than the requirements in Table C2.2;</li> <li>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</li> </ul> </li> </ul>	Layout and gradients are provided in accordance with the AS2890.1	Yes

Standard	Acceptable Solution	Proposed	Complies?
	<p>(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</p> <p>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</p> <p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6</i>.</p> <p><b>A1.2</b></p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(a) be located as close as practicable to the main entry point to the building;</p> <p>(b) be incorporated into the overall car park design; and</p> <p>(c) be designed and constructed in accordance with <i>Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities</i>. [S35]</p>		
<p><b>C2.6.3</b></p> <p><b>Number of accesses for vehicles</b></p>	<p><b>A1</b></p> <p>The number of accesses provided for each frontage must:</p>		Yes

Standard	Acceptable Solution	Proposed	Complies?
	<p>(a) be no more than 1; or</p> <p>(b) no more than the existing number of accesses, whichever is the greater.</p>		
	<p><b>A2</b></p> <p>Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.</p>		NA
<p><b>C2.6.4</b></p> <p><b>Lighting of parking areas within the General Business Zone and Central Business Zone</b></p>	<p><b>A1</b></p> <p>In car parks within the General Business Zone and Central Business Zone, parking and vehicle circulation roads and pedestrian paths serving 5 or more car parking spaces, which are used outside daylight hours, must be provided with lighting in accordance with Clause 3.1 "Basis of Design" and Clause 3.6 "Car Parks" in <i>Australian Standard/New Zealand Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements</i>.</p>		NA
<p><b>C2.6.5</b></p> <p><b>Pedestrian access</b></p>	<p><b>A1.1</b></p> <p>Uses that require 10 or more car parking spaces must:</p> <p>(a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by:</p>	<p>A path and separation are not clearly proposed but with the scope and use it is considered the path over shared area with driveway is acceptable and satisfies the performance criteria for the nature of the use.</p>	See report

Standard	Acceptable Solution	Proposed	Complies?
	<p>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p>(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p> <p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles.</p> <p><b>A1.2</b></p> <p>In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.</p>		
<b>C2.6.6</b> <b>Loading bays</b>	<p><b>A1</b></p> <p>The area and dimensions of loading bays and access way areas must be designed in accordance with <i>Australian Standard AS 2890.2–2002, Parking facilities, Part 2: Offstreet commercial vehicle facilities</i>, for the type of vehicles likely to use the site.</p>		NA
	<p><b>A2</b></p> <p>The type of commercial vehicles likely to use the site must be able to enter, park and exit the site in a forward direction in accordance with <i>Australian Standard AS 2890.2 – 2002, Parking Facilities, Part 2: Parking facilities Offstreet commercial vehicle facilities</i>.</p>		
<b>C2.6.7</b>	<b>A1</b>		NA

Standard	Acceptable Solution	Proposed	Complies?
Bicycle parking and storage facilities within the General Business Zone and Central Business Zone	Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.		
	<p><b>A2</b></p> <p>Bicycle parking spaces must:</p> <ul style="list-style-type: none"> <li>(a) have dimensions not less than: <ul style="list-style-type: none"> <li>(i) 1.7m in length;</li> <li>(ii) 1.2m in height; and</li> <li>(iii) 0.7m in width at the handlebars;</li> </ul> </li> <li>(b) have unobstructed access with a width of not less than 2m and a gradient not steeper than 5% from a road, cycle path, bicycle lane, shared path or access way; and</li> <li>(c) include a rail or hoop to lock a bicycle that satisfies <i>Australian Standard AS 2890.3-2015 Parking facilities - Part 3: Bicycle parking</i>.</li> </ul>		NA
<b>C2.6.8</b> Siting of parking and turning areas	<p><b>A1</b></p> <p>Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone, parking spaces and vehicle turning areas, including garages or covered parking areas must be located behind the building line of buildings, excluding if a parking area is already provided in front of the building line.</p>		NA

Standard	Acceptable Solution	Proposed	Complies?
	<b>A2</b>  Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must: <ul style="list-style-type: none"> <li>(a) have no new vehicle accesses, unless an existing access is removed;</li> <li>(b) retain an active street frontage; and</li> <li>(c) not result in parked cars being visible from public places in the adjacent roads.</li> </ul>		NA
<b>C2.7 Parking Precinct Plan</b>			
<b>C2.7.1</b>  <b>Parking Precinct Plan</b>	<b>A1</b>  Within a parking precinct plan, onsite parking must: <ul style="list-style-type: none"> <li>(a) not be provided; or</li> <li>(b) not be increased above existing parking numbers.</li> </ul>		NA

#### Footnotes

[S35] Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016.

### C3 Road and Railway Assets Code

Standard	Acceptable Solution	Proposed	Complies?
<b>C3.5 Use Standards</b>			

Standard	Acceptable Solution	Proposed	Complies?
<p><b>C3.5.1</b></p> <p><b>Traffic generation at a vehicle crossing, level crossing or new junction</b></p>	<p><b>A1.1</b></p> <p>For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <ul style="list-style-type: none"> <li>(a) a new junction;</li> <li>(b) a new vehicle crossing; or</li> <li>(c) a new level crossing.</li> </ul> <p><b>A1.2</b></p> <p>For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p><b>A1.3</b></p> <p>For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p><b>A1.4</b></p> <p>Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <ul style="list-style-type: none"> <li>(a) the amounts in Table C3.1; or</li> </ul>	<p>Vehicular traffic may increase over 40 vpd but still be less than 20% of the current traffic on the network.</p>	<p>See Report</p>

Standard	Acceptable Solution	Proposed	Complies?
	<p>(b) allowed by a licence issued under Part IVA of the <i>Roads and Jetties Act 1935</i> in respect to a limited access road.</p> <p><b>A1.5</b></p> <p>Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>		
<b>C3.6 Development Standards for Buildings and Works</b>			
<p><b>C3.6.1</b></p> <p><b>Habitable buildings for sensitive uses within a road or railway attenuation area</b></p>	<p><b>A1</b></p> <p>Unless within a building area on a sealed plan approved under this planning scheme, habitable buildings for a sensitive use within a road or railway attenuation area, must be:</p> <p>(a) within a row of existing habitable buildings for sensitive uses and no closer to the existing or future major road or rail network than the adjoining habitable building;</p> <p>(b) an extension which extends no closer to the existing or future major road or rail network than:</p> <p>(i) the existing habitable building; or</p> <p>(ii) an adjoining habitable building for a sensitive use; or</p>		NA



Standard	Acceptable Solution	Proposed	Complies?
	(c) located or designed so that external noise levels are not more than the level in Table C3.2 measured in accordance with Part D of the <i>Noise Measurement Procedures Manual</i> , 2nd edition, July 2008.		

## **6. PROPOSED USE AND DEVELOPMENT - CHANGE OF USE TO SHORT STAY ACCOMMODATION (VISITOR ACCOMMODATION) - 15 NATHAN STREET BERRIEDALE**

Author: Planning Officer (Uvika Sahni and Peter Coney)  
Qualified Person: Planning Officer (Uvika Sahni and Peter Coney)  
Property ID: 3284152

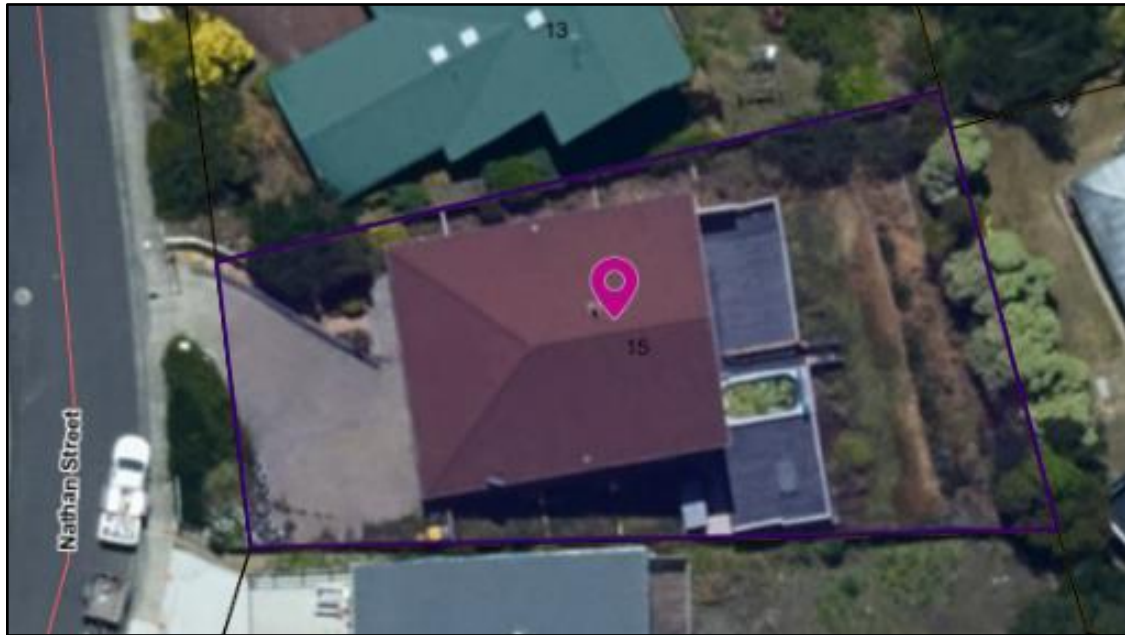
### **REPORT SUMMARY**

<b>Application No.:</b>	<b>PLN-23-215</b>
<b>Applicant:</b>	<b>C C Thai</b>
<b>Owner:</b>	<b>C C Thai</b>
<b>Zone:</b>	<b>General Residential</b>
<b>Use Class</b>	<b>Visitor Accommodation</b>
<b>Application Status:</b>	<b>Discretionary</b>
<b>Discretions:</b>	<b>8.3.2 Visitor Accommodation (A1)</b> <b>C2.5.1 Car parking numbers (A1)</b> (The proposal meets all other applicable standards as demonstrated in the attached appendices)
<b>Level 2 Activity?</b>	<b>No</b>
<b>42 Days Expires:</b>	<b>4 October 2023</b>
<b>Existing Land Use:</b>	<b>Single dwelling</b>
<b>Representations:</b>	<b>7</b>
<b>Recommendation:</b>	<b>Refusal</b>

## **REPORT IN DETAIL**

### **PROPOSAL**

The proposal is for the change of use of the existing residence at 15 Nathan Street, Berridale to Visitor Accommodation, as shown in Figure 1 with no works proposed onsite. It is proposed to use the entire dwelling, which extends over three levels and has a total floor area of 331m<sup>2</sup> for short stay accommodation.



**Figure 1** – Aerial view of the subject site



**Figure 2** – Site access leading to the ground floor deck and spa area, Source – Harcourts online





**Figure 3** – Aerial view of the subject site, Source – Harcourts online

## **SITE and LOCALITY**

15 Nathan Street, Berridale has a site area of 731.26m<sup>2</sup>. The dwelling is a three storey, detached single dwelling located on the eastern side of the street. There is an existing driveway with a steep grade falling from the street toward the garage.

The locality in which the property is situated is to the south west of Brooker highway, and south of Berridale Road (Figure 4)



**Figure 4** - Aerial view of the subject site

The dwelling consists of five bedrooms as shown on the plans submitted in the application (Figure 5). The first floor includes a long hallway at the entrance which leads to a third living/bedroom, attached to a garage which is further attached to a toilet. To the left of the hallway is a living room connected to an open plan kitchen and

dining room. The second floor includes three bedrooms, two bathrooms, a toilet and a second living room. The third floor includes a further two bedrooms connecting to a shared laundry and a toilet.

There is a side access to the ground floor deck and spa area which is further connected to the open space in the backyard, as seen in Figure 2 and Figure 3.

The subject site on Nathan Street is surrounded with single dwellings ranging from two to three storeys. A site visit undertaken confirms every dwelling in the street has onsite car parking.



**Figure 5** – First floor, second floor and third floor of the subject site





**Figure 6** - Subject site and adjoining site arrangement

## ZONE

The subject site is within the General Residential zone (Figure 7).



**Figure 7** - Zoning of subject site and surrounding area

## BACKGROUND

The house was built in November 1991, with a garage, workshop, living and dining room, a kitchen, two full bathrooms, two powder rooms, a laundry and four bedrooms. The dwelling has maintained its residential use since construction.

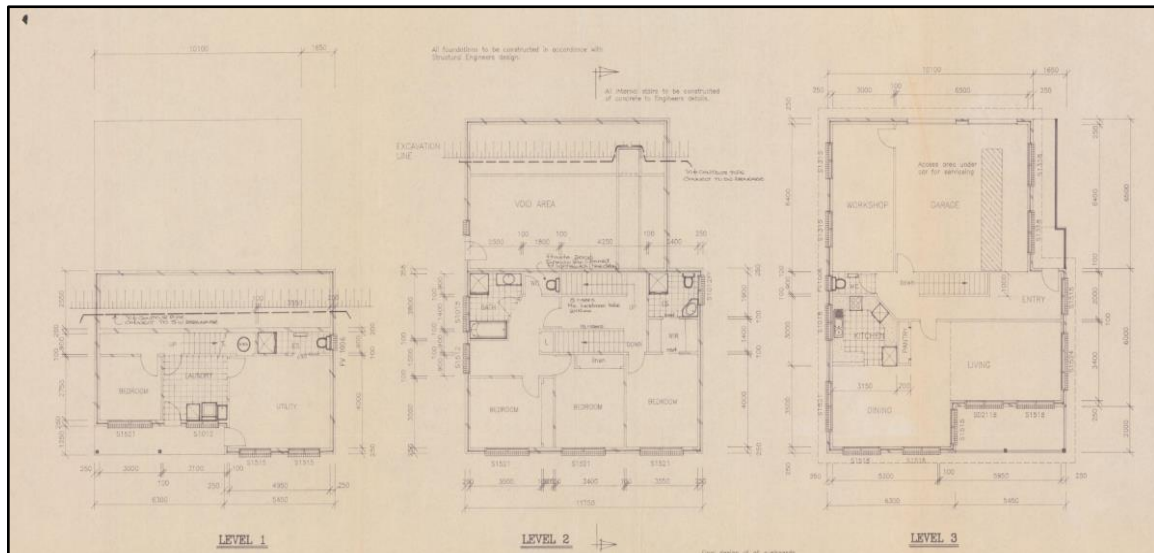


Figure 8 – Floor plans from 1991, Building Application: 615-91

## ASSESSMENT

### STATE POLICIES, OBJECTIVES of LUPAA

There are no inconsistencies with any other State Policies or with the objectives of the *Land Use Planning and Approvals Act 1993* (LUPAA).

### TASMANIAN PLANNING SCHEME - GLENORCHY 2021

#### State Planning Provisions (SPP)

##### Administration

##### Exemptions (Tables 4.1 – 4.6)

No exemptions are applicable.

##### Planning Scheme Operation (Does a General Provision, SAP or Code override Zone provisions?)

None - Available

##### Use Class Description (Table 6.2):

The use is classed as **Visitor Accommodation** – which means use of land for providing short or medium-term accommodation for persons away from their normal place of residence on a commercial basis. Examples include a backpackers hostel, camping and caravan park, holiday cabin, motel, overnight camping area, residential hotel and serviced apartment complex.

##### Other relevant definitions (Clause 3.0):

**Adjacent means** near to, and includes adjoining.

**Applicable standard** means as defined in subclause 7.5.2, which is a standard in a zone, specific area plan or code, is an applicable standard if:

(a) the proposed use or development will be on a site within a zone or the area to which a specific plan relates, or is a use or development to which the code applies; and

(b) the standard deals with a matter that could affect, or could be affected by, the proposed use or development.

**Dwelling** means a building, or part of a building, used as a self-contained residence and which includes food preparation facilities, a bath or shower, laundry facilities, a toilet and sink, and any outbuilding and works normally forming part of a dwelling.

**Standard** means, in any zone, code or specific area plan, the objective for a particular planning issue and the means for satisfying that objective through either an acceptable solution or performance criterion presented as the tests to meet the objective.

## **General Provisions**

No General Provisions of the Scheme apply to this proposal.

## **Zones**

The land is within the General Residential zone and the following zone purpose statements, use table, use standards and/or development standards apply to this proposal:

### **Zone Purpose Statements**

The purpose of the General Residential Zone is:

8.1.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.

8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.

8.1.3 To provide for non-residential use that:

- a) primarily serves the local community; and
- b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.

8.1.4 To provide for Visitor Accommodation that is compatible with residential character.

Comment:

Visitor accommodation is a permitted use in General Residential Zone, as such, the zone purpose statements are not to be regarded in accordance with Clause 6.10.2.



## Use Table

As per the Use table, the proposal is classed as Visitor Accommodation which is categorised as Permitted in the General Residential Zone. However, the application requires discretionary consideration because the proposal does not comply with the Acceptable Solution and relies on fulfilling the Performance Criteria.

## Use Standards

The following use standards apply to the proposal:

### 8.3.2 Visitor Accommodation

The proposed visitor accommodation use will accommodate guests in the existing habitable building which complies with the Acceptable solution A1(a). However as the gross floor area is more than 200m<sup>2</sup>, it does not comply with acceptable solution at A1(b). Therefore, the proposal is required to be assessed against the performance criteria P1 which states that,

*Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:*

*(a) the privacy of adjoining properties;*

*(b) any likely increase in noise to adjoining properties;*

*(c) the scale of the use and its compatibility with the surrounding character and uses within the area;*

*(d) retaining the primary residential function of an area;*

*(e) the impact on the safety and efficiency of the local road network; and*

*(f) any impact on the owners and users rights of way.*

Comment:

- a) The subject site is a standalone property with private open space to the rear side of the dwelling which is within the boundary fence. In addition, the existing deck has privacy screens which prevent unreasonable overlooking of adjoining properties. it is considered that the proposal complies with this requirement.
- b) Though the impact of the human behaviour may vary across either residential or visitor accommodation uses, in more instances than not, guests being away from their normal place residence will be less likely to conform to general residential activities, and the frequency of the occasional noisy behaviour will be greater; the intent of the use is undoubtedly to provide a place for people to undertake an activity different to a residence, and the scale of the dwelling amplifies this. Further as the turnover of persons at a short stay will cause for more occasions likely to include noise generating activities, the frequency of gatherings, hired entertainment and other will be greater than a residential use, again, the effect is

increased by virtue of the scale of this dwelling and the number of guests accommodated.

- c) The dwelling has a floor area more than 200m<sup>2</sup>, which is distributed over three floors. This makes renting it out for events and gatherings for larger groups feasible, and again with regard for (b), promotes a use which is out of character for the surrounding residential area.

With respect to the built qualities of the area, though the proposed dwelling has been in existence since the 1990s and fits in with the neighbourhood's built form. The nature of the development with an excessively steep driveway will result in on street parking being relied upon, which is considered to be out of character.

- d) It is considered that the change of use to a separate use class cannot logically also retain the primary residential function of an area. It inevitably erodes it, but it is noted this particular requirement has no basis in the objective of the standard, and Visitor Accommodation is permitted in the General Residential Zone.
- e) The scale of the use and the nature of the driveway being of a steep grade will result in guest's vehicles being parked on the street which will have an undesirable impact on the safety and efficiency of the local road network.
- f) There is no impact on the owners and users rights of way.

With respect to the above the proposal does not comply, specifically with regard to (b), (c), and (e).

## **Codes**

The following codes of the Scheme apply to this proposal:

### *C2.0 Parking and Sustainable Transport Code*

Unless stated otherwise in a particular purpose zone, or subclause C2.2.2, C2.2.3 or C2.2.4, this code applies to all use and development. There are no exemptions from the code.

As per Table C2.1 Parking space requirements, a visitor accommodation use requires 1 space per self-contained accommodation unit, allocated tent or caravan space, or 1 space per 4 beds, whichever is the greater.

The Manager of the property who the applicant nominated for a discussion has confirmed that the living room on the ground floor is being used as a bedroom which allows the dwelling to have 6 double beds and 5 single beds at present being used. Based on this information the site requires 3 onsite car parking spaces. The dwelling has two onsite car parking spaces for the existing use that are highly unlikely to be used for the proposed use as a result of the steep grade of the driveway. The change will introduce an additional shortfall of one car park therefore, the proposal relies on the performance criteria which requires,

#### *P1.1*

*The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:*

*(a) the availability of off-street public car parking spaces within reasonable walking distance of the site;*

*(b) the ability of multiple users to share spaces because of:*

*(i) variations in car parking demand over time; or*

*(ii) efficiencies gained by consolidation of car parking spaces;*

*(c) the availability and frequency of public transport within reasonable walking distance of the site;*

*(d) the availability and frequency of other transport alternatives;*

*(e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;*

*(f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;*

*(g) the effect on streetscape; and*

*(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.*

Comment:

#### P1.1

There is no off street public car parking spaces within reasonable walking distance of the site. The street has on street car parking spaces. As mentioned above, the existing dwellings on Nathan Street have the capacity to park onsite, with minimal reliance on on street parking.

The steepness of the driveway which was approved to serve a dwelling in 1991 is of such a grade (30%) that it is improbable guests who are unfamiliar with the site will park within the property, and so will rely instead on on-street parking. This is not considered to be an acceptable outcome.

Based on the combination of the slope of site which makes the existing car parking spaces inappropriate to rely on. It is considered that the proposal fails to adequately provide parking to meet the reasonable needs of the use. Therefore, the proposal does not comply with the applicable standard.

### **Glenorchy Local Provisions Schedule (GLPS)**

#### **Local Area objectives**

No local area objectives of the Scheme apply to this proposal.

## **Particular Purpose Zones**

No particular purpose zones of the Scheme apply to this proposal.

## **Specific Area Plans**

No specific area plans of the Scheme apply to this proposal.

## **GLE-Site Specific Qualifications**

None Applicable.

## **GLE-Code lists**

No Code lists apply to this proposal.

## **GLE-Applied, Adopted and Incorporated Document**

None applicable.

## **INTERNAL REFERRALS**

### **Development Engineer**

The application was referred to the Council's Traffic Engineer who provided the following comments:

The proposal has a shortfall of one car parking spaces under the planning scheme but does not trigger the performance criteria for traffic generation. Traffic generation from the proposal is based on that for a residential house being 9 daily trips per day. It is recognised that this is likely on the low side for this development but would be less than 40 daily trips per day to trigger the performance criteria under C3.5.1. Even at just under 40 daily trips, the overall traffic on the local street would be less than 3,000 vehicles per day which is considered acceptable and there are no crashes in the last 5 years in the street that would indicate any roads safety deficiencies.

There is on-street parking in Nathan Street which can be used by all properties. Drivers are required to park in accordance with the Road Rules and if this does not occur our parking officers are able to undertake enforcement of this, such as not parking over driveways and leaving 3m clear for vehicles to travel along the road. If there are safety concerns regarding on-street parking then this can be addressed outside the planning scheme as applies regardless of this development, it just maybe exacerbated by the development.

It is noted that the driveway access to the two on-site parking spaces is steep and may not be used by some drivers.

## **EXTERNAL REFERRALS**

### **TasWater**

No external referrals were deemed.

## **REPRESENTATIONS**

The application was advertised for the statutory 14-day period with 7 representations being received. The issues raised are as follows:

### **ISSUE 1 - Unsatisfactory onsite car parking leading to increased on street traffic**

The representors have voiced their concerns that the slope of the driveway of the subject site is incredibly steep that the onsite garage is not at all being used. The cars at present and in past are either crowding the street or hanging off the driveway (Figure 8) specially when there are multiple people staying at the same time. Representors also have concerns that,

- the individual levels are being rented out separately to different users because of the number of bedrooms on each level, encouraging multiple cars visiting onsite.
- Nathan Street is a narrow street where the existing neighbours and future development owners at the end of cul-de-sac will have to compete with the guests of 15 Nathan Street.
- With the approval of the permit there will be more incoming traffic which will further affect the safety and efficiency of the local road network.
- The neighbours are already affected by this as the site is operating as a short-term stay.

#### **Planner's Comment:**

The subject site has an onsite double door garage which is being used exclusively for storage (confirmed by the applicant). With respect to any overspill of parking onto the street it is considered that the improbability of the use utilising onsite parking results in a conclusion that the proposal does not comply with parking code.

### **ISSUE 2 – Privacy of adjoining properties, Increased noise**

The subject site has 6 bedrooms (different on the AirB&B website) with other facilities spread over three levels. Considering the size of the dwelling there are concerns that it will only be used by large groups for parties and functions affecting the surrounding neighbours. Not only this will affect the privacy of immediate neighbours, but the shift workers in Crosby road are also worried.

#### **Planner's Comment:**

The recommendation is for a refusal.

### **ISSUE 3 – Commercial use and not a residential use**

A representor has voiced about the dwelling being rented to multiple users at the same time making it a commercial use than renting the whole house to a couple or one family.

**Planner's Comment:**

The application is for the change of use to Visitor accommodation which is a permitted use in the General residential zone.

**ISSUE 4 – Absentee landlord**

Two representors have voiced that the owner at no stage have occupied the property on a continuing basis and is apparently absentee landlord.

**Planner's Comment:**

This is not a planning issue to be considered.

**ISSUE 5 – No intention of long-term rental or occupation**

**Planners Comment:**

Visitor accommodation is a permitted use in the general residential zone.

**ISSUE 6 – Short term accommodation already existing in the vicinity, council to draw line for genuine home seekers.**

**Planners Comment:**

Visitor accommodation is a permitted use in the general residential zone.

**ISSUE 7 – Narrow street, not safe**

A representor voiced their concern about Nathan street being steep that presents challenges for walking or riding a bike or a scooter.

**Planners Comment:**

With respect to Nathan street being steep it is an existing street which is able to be used. As commented by Council's traffic engineer the proposal can be supported with respect to traffic. However, the reliance on on-street parking is not appropriate.

**CONCLUSION**

The proposal relies on performance criteria for compliance with the standard for 8.3.2 Visitor Accommodation, and C2.5.1 Car parking numbers. The proposal is assessed as not satisfying the performance criteria of these standards and so does not comply.

The application was publicly advertised for the statutory 14-day period and seven representations were received. The issues have been addressed above.

It is concluded that the proposal is not consistent with the requirements of the Scheme and as such a permit should not be granted.

**Recommendation:**

That a permit not be granted for the Change of use to short stay rental (Visitor Accommodation) of 15 Nathan Street Berriedale for the following reasons:

1. The proposal fails to comply with either the acceptable solution or the performance criteria of Clause 8.3.2(P1) Visitor Accommodation, which is an applicable standard; and
2. The proposal fails to comply with Clause C2.5.1(P1.1) Car parking numbers which is an applicable standard.

**Attachments/Annexures**

- 1 GPA Attachment - 15 Nathan Street, Berriedale



## APPENDIX

### 8.0 General Residential Zone

Standard	Acceptable Solution	Proposed	Complies?
<b>8.3 Use Standards</b>			
<b>8.3.1 Discretionary uses</b>	<b>A1</b> Hours of operation of a use listed as Discretionary, excluding Emergency Services, must be within the hours of 8.00am to 6.00pm	Not Applicable	N/A
	<b>A2</b> External lighting for a use listed as Discretionary: (a) must not operate within the hours of 7.00pm to 7.00am, excluding any security lighting; and (b) security lighting must be baffled to ensure direct light does not extend into the adjoining property.	Not Applicable	N/A
	<b>A3</b> Commercial vehicle movements and the unloading and loading of commercial vehicles for a use listed as Discretionary, excluding Emergency Services, must be within the hours of:	Not Applicable	N/A



	(a) 7:00am to 7:00pm Monday to Friday; (b) 9:00am to 12 noon Saturday; and (c) nil on Sunday and public holidays.		
	<b>A4</b> No acceptable solution.		
<b>8.3.2 Visitor Accommodation</b>	<b>A1</b> Visitor Accommodation must: (a) accommodate guests in existing habitable buildings; and (b) have a gross floor area of not more than 200m <sup>2</sup> per lot.	The existing dwelling will be used to accommodate the guests but has gross floor area of more than 200m <sup>2</sup>	See Report
	<b>A2</b> Visitor Accommodation is not for a strata lot that is part of a strata scheme where another strata lot within that strata scheme is used for a residential use.	The dwelling is not a part of the strata lot.	complies

## C2.0 Parking and Sustainable Transport Code

Standard	Acceptable Solution	Proposed	Complies?
<b>C2.5 Use Standards</b>			
<b>C2.5.1 Car parking numbers</b>	<p><b>A1</b> The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p> <ul style="list-style-type: none"> <li>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</li> <li>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</li> <li>(c) the site is subject to Clause C2.5.5; or</li> <li>(d) it relates to an intensification of an existing use or development or a change of use where: <ul style="list-style-type: none"> <li>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in</li> </ul> </li> </ul>	See the report	See the report

Standard	Acceptable Solution	Proposed	Complies?
	<p>Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p> <p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> $N = A + (C - B)$ <p>N = Number of on-site car parking spaces required</p> <p>A = Number of existing on site car parking spaces</p> <p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C= Number of on-site car parking spaces</p>		

Standard	Acceptable Solution	Proposed	Complies?
	required for the proposed use or development specified in Table C2.1.		
<b>C2.5.2 Bicycle parking numbers</b>	<b>A1</b> Bicycle parking spaces must: <ul style="list-style-type: none"> <li>(a) be provided on the site or within 50m of the site; and</li> <li>(b) be no less than the number specified in Table C2.1.</li> </ul>	Not Required	NA
<b>C2.5.3 Motorcycle parking numbers</b> <i>This applies to:</i> <i>Business and Professional Services;</i> <i>Community Meeting and Entertainment;</i> <i>Custodial Facility;</i> <i>Crematoria and Cemeteries;</i> <i>Educational and Occasional Care;</i> <i>Food Services;</i> <i>General Retail and Hire;</i> <i>Hospital Services;</i>	<b>A1</b> The number of on-site motorcycle parking spaces for all uses must: <ul style="list-style-type: none"> <li>(a) be no less than the number specified in Table C2.4; and</li> <li>(b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification, provided the existing number of motorcycle parking spaces is maintained.</li> </ul>	Not Required	NA

Standard	Acceptable Solution	Proposed	Complies?
<i>Hotel Industry; Pleasure Boat Facility; Residential if for a communal residence, multiple dwellings or hostel use; Sports and Recreation; and Tourist Operation.</i>			
<b>C2.5.4</b> <b>Loading bays</b> <i>This applies to: Bulky Goods Sales; General Retail and Hire; Manufacturing and Processing; and Storage.</i>	<b>A1</b> A loading bay must be provided for uses with a floor area of more than 1000m <sup>2</sup> in a single occupancy.	Not Required	NA
<b>C2.5.5</b> <b>Number of car parking spaces within the General Residential Zone and Inner Residential Zone</b> <i>This applies to: Business and Professional Services;</i>	<b>A1</b> Within existing non-residential buildings in the General Residential Zone and Inner Residential Zone, on-site car parking is not required for:  (a) Food Services uses up to 100m <sup>2</sup> floor area or 30 seats, whichever is the greater; and  (b) General Retail and Hire uses up to 100m <sup>2</sup> floor	Not Required	NA

Standard	Acceptable Solution	Proposed	Complies?
<i>Community Meeting and Entertainment; Educational and Occasional Care; Emergency Services; Food Services; General Retail and Hire; Sports and Recreation; and Utilities, if not for minor utilities.</i>	provided the use complies with the hours of operation specified in the relevant Acceptable Solution for the relevant zone.		

### C3 Road and Railway Assets Code

Standard	Acceptable Solution	Proposed	Complies?
<b>C3.5 Use Standards</b>			
<b>C3.5.1</b>  <b>Traffic generation at a vehicle crossing, level crossing or new junction</b>	<b>A1.1</b>  For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:	No change to the existing condition	Yes

Standard	Acceptable Solution	Proposed	Complies?
	<p>(a) a new junction;</p> <p>(b) a new vehicle crossing; or</p> <p>(c) a new level crossing.</p> <p><b>A1.2</b></p> <p>For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p><b>A1.3</b></p> <p>For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p><b>A1.4</b></p> <p>Vehicular traffic to and from the site, using an</p>		

Standard	Acceptable Solution	Proposed	Complies?
	<p>existing vehicle crossing or private level crossing, will not increase by more than:</p> <p>(a) the amounts in Table C3.1; or</p> <p>(b) allowed by a licence issued under Part IVA of the <i>Roads and Jetties Act 1935</i> in respect to a limited access road.</p> <p><b>A1.5</b></p> <p>Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>		



## **7. PROPOSED USE AND DEVELOPMENT - DEMOLITION, SPORTS CLUBROOMS AND ASSOCIATED WORKS (SPORTS AND RECREATION) - 131A ALLUNGA ROAD CHIGWELL**

Author: Planning Officer (Angela Dionysopoulos and Sylvia Jeffreys)  
Qualified Person: Planning Officer (Angela Dionysopoulos and Sylvia Jeffreys)  
Property ID: 3298307

### **REPORT SUMMARY**

<b>Application No.:</b>	<b>PLN-23-065</b>
<b>Applicant:</b>	<b>Artas Architects</b>
<b>Owner:</b>	<b>Glenorchy City Council</b>
<b>Zone:</b>	<b>Recreation (82%) and Community Purpose (18%)</b>
<b>Use Class</b>	<b>Community Meeting and Entertainment, Sports and Recreation</b>
<b>Application Status:</b>	<b>Discretionary</b>
<b>Discretions:</b>	<b>26.2 Use Table</b> <b>C2.6.5 P1 Pedestrian Access</b> <b>C12.6.1 P1 Buildings and works within a flood-prone hazard area</b>  (The proposal meets all other applicable standards as demonstrated in the attached appendices)

<b>Level 2 Activity?</b>	<b>No</b>
<b>42 Days Expires:</b>	<b>Extension of Time until 2 Oct 2023</b>
<b>Existing Land Use:</b>	<b>Clubrooms and sports ground</b>
<b>Representations:</b>	<b>0</b>
<b>Recommendation:</b>	<b>Approval, subject to conditions</b>

## **REPORT IN DETAIL**

### **PROPOSAL**

The application proposes demolition and development for sports clubrooms (Sports and Recreation) at the North Chigwell Sports Grounds.

The proposed development comprises new clubrooms, a viewing pavilion, pedestrian footpaths, retaining walls, some fencing between the two fields, pedestrian access gates, replacement of two 'dugouts', a scoreboard, and redeveloped parking for 104 spaces and widened access.

The proposed clubrooms are to be located centrally within the site, at the southern end of the northern playing field. The building would be double storey, flat roofed, with a maximum height of 8.47m and dimensions of 18.3m x 33.3m. The rooms would comprise of changerooms, office space and storage on the ground floor and a function room, clubrooms, kitchen and canteen on the first floor. The function room would be available to the community on occasions. The building would have a minimum boundary setback of approximately 33.3m, being from the Brooker Highway frontage.

The proposed viewing pavilion is a partially enclosed, roofed area to be located approximately 20m to the south of the proposed clubrooms, connected by an unroofed path enclosed by a wall on each side. The pavilion has proposed dimensions of 19.85 m x 7 m and a maximum building height of 4.57 m.

The existing clubrooms would be demolished upon completion of the new ones, along with an existing barbeque pavilion and two existing 'dugouts'.

Associated works, not included in this planning application, include demolition of light towers and replacement of the two soccer fields. These works are labelled on the plans as being 'not in project scope.' A condition is recommended to clarify their exclusion from the permit.

The application is discretionary for the use (only the road works within the Utilities Zone), for a small part of the building being located within the flood-prone hazard area and for not providing pedestrian access in the parking area. The proposal is shown in Figure 1



Figure 1: Proposal - ARTAS Architects

## SITE and LOCALITY

The main part of the site is a 5.3ha lot containing existing sports grounds and associated clubrooms. There is also a strip of land involved next to the main lot on the east, that contains an access road. The site is shown in Figure 2 below.



Figure 2 - Aerial photograph of the site (highlighted) and surrounds – Council database 2021

The site is one of a small cluster of community facilities located amongst residential development. The site adjoins the Brooker Highway to the east and a church to the south. A linear public reserve is located to the west at Arunta Crescent and a small, isolated public reserve is to the east at Teering Road. Some residential acreages containing single dwellings are located to the north-west.

Vehicle access to the site is via a Council-owned minor access road running alongside, and parallel to, Brooker Highway as shown in Figure 3.



Figure 3 – Road asset details – marked-up Council database 2021.

## ZONE

The property has dual zoning and is in the Recreation Zone (82%) and Community Purpose Zone (18%), as shown in Figure 4.

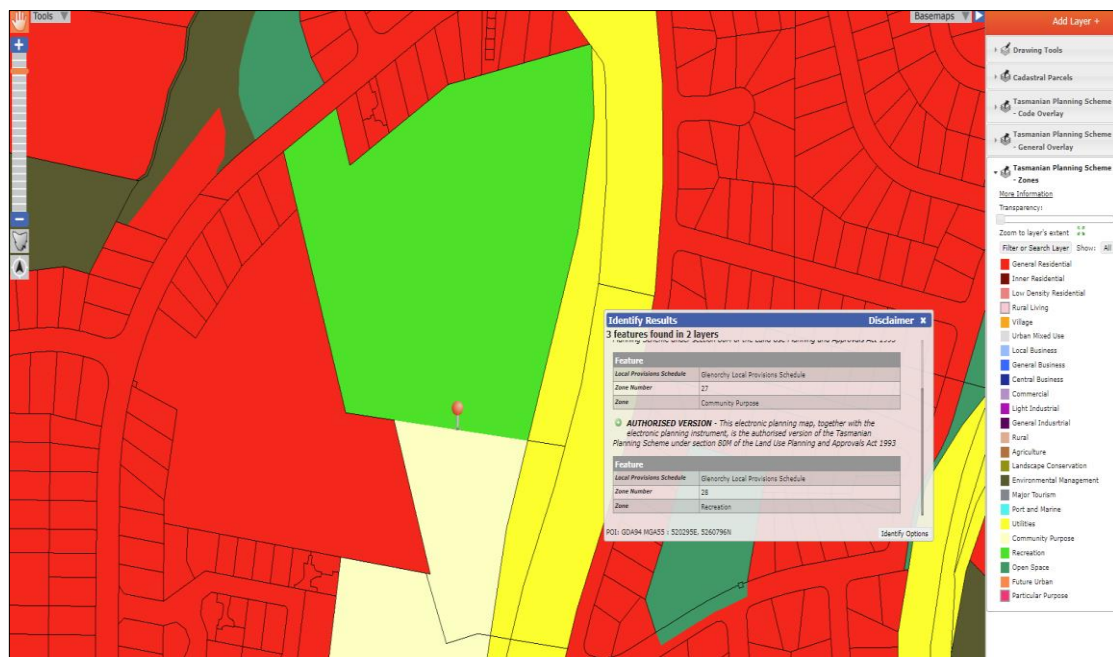


Figure 4 - The site is in the Recreation Zone (light green) and Community Purpose Zone (light yellow) – LISTmap

However, the proposed development is entirely within the Recreation Zone, as shown in Figure 5, except for the upgrade of the access road. Note the new senior and junior field shown at the south is 'not in scope.'



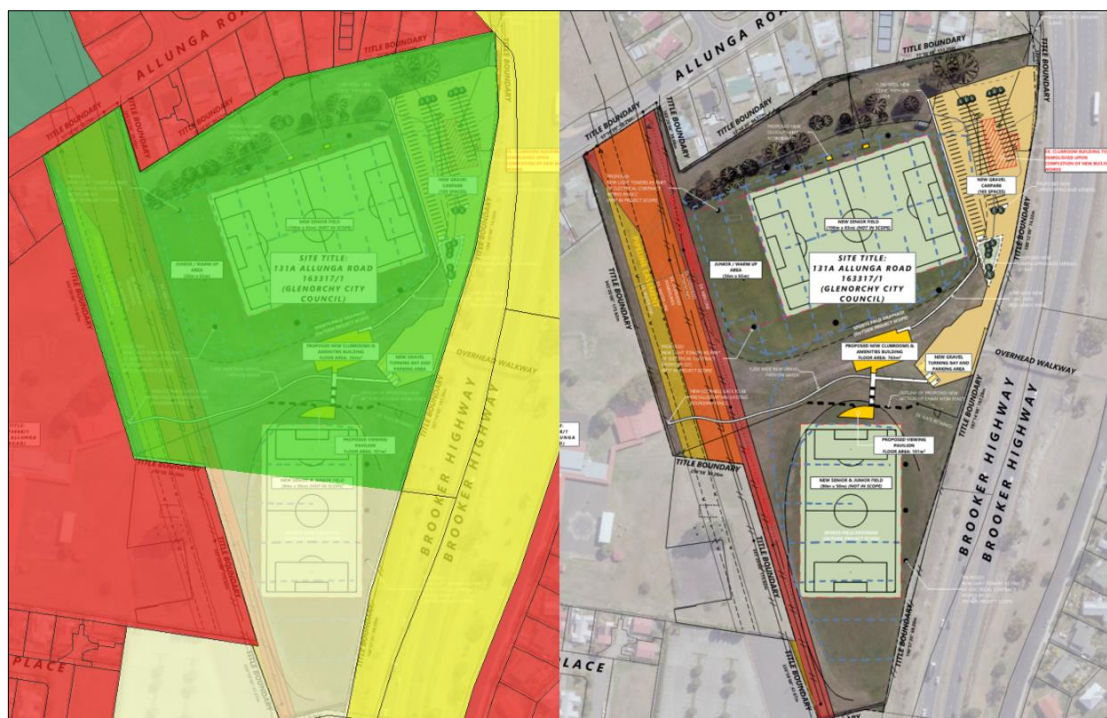


Figure 5 – The proposed development is entirely within the Recreation Zone on the land – semi-transparent LISTmap zoning map over snapshot of PLN-22-065 plans.

## BACKGROUND

The following permits are on file:

PLN-06-03978-01 New indoor sports facility (Boxing training) approved 14/08/2006.

Approved hours of operation were 7am - 10pm on weekdays, 9am - 12 midnight on Saturdays and 9am - 8pm on Sundays. The number of parking spaces required was not specified in the permit, although the Development Engineer referral for the application states eight spaces were required.

PLN-16-241 Application for sports ground lighting determined to be No Permit Required (prior to establishment of the No Permit Required certification process). The application for a permit was withdrawn. The 'No Permit Required' status included specified operating hours of:

- Monday – Friday (7:00am – 8:00pm)
- Saturday (8:00am – 6:00pm)
- Sunday and Public Holidays (10:00am – 5:00pm).

PLS43A-18/01 Rezone 115 Allunga Road, Chigwell to a General Residential Zone combined with a 3 lot subdivision at 115 Allunga Road and 131A Allunga Road, Chigwell, approved 2019-01-21.

PLN-19-223 Subdivision (associated with 115 Allunga Road) approved 14/10/2019.

PLN-22-311 Lighting for sports ground (Sport and Recreation) approved 27/09/2022. The lighting was approved for use from 7.00am until 9.00pm every day, including weekends and public holidays.

## **ASSESSMENT**

### **STATE POLICIES, OBJECTIVES of LUPAA**

There are no inconsistencies with any other State Policies or with the objectives of the *Land Use Planning and Approvals Act 1993* (LUPAA).

A condition is recommended requiring appropriate soil and water management to prevent erosion and the transport of sediments into surface waters, consistent with the State Policy on Water Quality Management.

### **TASMANIAN PLANNING SCHEME - GLENORCHY 2021**

#### **State Planning Provisions (SPP)**

##### **Administration**

##### **Exemptions (Tables 4.1 – 4.6)**

Nil.

##### **Use Class Description (Table 6.2):**

The application is for new clubrooms at an existing sports ground and associated works, which fits under the use class Sports and Recreation. It is considered that the works on the access road are part of the overall use. The use is defined in Table 6.2 Use Classes as follows:

##### *Sports and Recreation*

means use of land for organised or competitive recreation or sporting purposes including associated clubrooms. Examples include a bowling alley, fitness centre, firing range, golf course or driving range, gymnasium, outdoor recreation facility, children's play centre, swimming pool, race course, sports ground, and major sporting facility.

##### **Other relevant definitions (Clause 3.0):**

**Major sporting facility** means a sporting facility providing for national standard sporting competition with associated spectator facilities. The site is not a major sporting facility.

**Sensitive use** means a residential use or a use involving the presence of people for extended periods except in the course of their employment such as a caravan park, childcare centre, dwelling, hospital or school. The proposal is not for a sensitive use.

**Sign** means a device, structure, depiction, or the like, that is intended to give information, advertise or attract attention to a place, product, service or event. The proposed scoreboard is a sign.

In accordance with Clause 3.1.1, terms in the Scheme have their ordinary meaning unless they are defined in the Act, or, unless the contrary intention appears, are specifically in Table 3.1, a zone, code or specific area plan.

For the purposes of the C1.0 Signs Code:

**Sports ground sign** means a sign erected within a sports ground. The proposed scoreboard is within a sports ground and is classified as a sports ground sign.

For the purposes of the C12.0 Flood-Prone Areas Hazard Code:

**Critical use** means a use that is within one of the following Use Classes: Emergency Services; or Hospital Services.

**Flood** means the risk of periodic or permanent flooding of land from a watercourse or other inland water source.

**Flood-prone hazard area** means land: shown on an overlay map in the relevant Local Provisions Schedule (LPS), as within a flood-prone hazard area; or identified in a report for the purposes of C12.2.3.

**Hazardous use** means a use that is within one of the following Use Classes:

- (a) Crematoria and Cemeteries;
- (b) Extractive Industry, if the use involves the storage of a hazardous chemical of a manifest quantity;
- (c) Hospital Services, if the use involves the storage of a hazardous chemical of a manifest quantity;
- (d) Manufacturing and Processing, if the use involves the storage of a hazardous chemical of a manifest quantity;
- (e) Recycling and Waste Disposal;
- (f) Research and Development, if the use involves the storage of a hazardous chemical of a manifest quantity;
- (g) Storage, if the use involves the storage of a hazardous chemical of a manifest quantity;
- (h) Transport Depot and Distribution, if the use involves the storage of a hazardous chemical of a manifest quantity;
- (i) Utilities, if the use involves the storage of a hazardous chemical of a manifest quantity; or
- (j) Vehicle Fuel Sales and Service.

**Vulnerable use** means a use that is within one of the following Use Classes:

- (a) Custodial Facility;
- (b) Educational and Occasional Care;
- (c) Residential, if for a respite centre, residential care facility, retirement village or assisted housing; or
- (d) Visitor Accommodation, if the use accommodates more than 12 guests.

### **Discretionary Use or Development**

The application is discretionary under Clause 6.8.1 as follows:

*The planning authority has discretion to refuse or permit a use or development if:*

- (a) the use is within a use class specified in the applicable Use Table as being a use which is discretionary;*
- (b) the use or development complies with each applicable standard but relies upon a performance criterion to do so; or*
- (c) it is discretionary under any other provision of the planning scheme,*

The proposal is discretionary under (a) above for discretionary use within the Utilities Zone and (b) as it relies on Performance Criteria as follows:

- 26.2 Use Table
- C2.6.5 P1 Pedestrian Access
- C12.6.1 P1 Buildings and works within a flood-prone hazard area

### **General Provisions**

No General Provisions of the Scheme apply to this proposal. The proposal includes upgrades of an existing access road within the Utilities Zone, however clause 7.6 Access and Provision of Infrastructure Across Land in Another Zone does not apply in this instance. The clause allows for access in connection with a use that is otherwise prohibited in a zone to be discretionary. The access road is in the Utilities Zone where the use of Sports and Recreation is already discretionary, rather than prohibited.

### **Zones**

The land affected by the main proposal is within the Recreation Zone and the land affected by the access is within the Utilities Zone.



## **Zone Purpose Statements**

No regard is to be had to the zone purpose statements in determining the application with respect to the Recreation Zone. as would be required in accordance with clause 6.10.2 for a Discretionary use or 7.10.3 for a use that is not required to be categorised into a use class.

However, the use of Sports and Recreation is Discretionary within the Utilities Zone, so that regard to the purpose of that zone must be had.

The purpose of the Utilities Zone is:

*26.1.1 To provide land for major utilities installations and corridors.*

*26.1.2 To provide for other compatible uses where they do not adversely impact on the utility.*

### *Comment*

The upgrade of the access road within the Utilities Zone to dual lanes is proposed as part of the Sports and Recreation use. Whilst the use is discretionary within the Utilities Zone, it is only the road that is within the Utilities Zone. The road would ordinarily be classed Utility and would be permitted, were it not for the association with the clubrooms. As such, it is considered that the use would not adversely impact on the utility, which is the road.

## **Use Table**

The use class Sports and Recreation is 'No permit required' (if not for a major sporting facility) within the Recreation Zone in 28.2 Use Table and is Discretionary within the Utilities Zone in 26.2 Use Table.

## **Use Standards**

The proposal accords with the relevant acceptable solutions as demonstrated in the attached Appendix with respect to both zones, except as follows:

### **26.3.2 P1 Discretionary uses**

There is not acceptable solution with respect to discretionary use. Therefore, the proposal relies on the related performance criteria as follows:

#### *26.3.2 P1 Discretionary uses*

*A use listed as Discretionary must not compromise or restrict the operations of an existing or proposed utility, having regard to:*

*(a) the compatibility of the utility and the proposed use;*

*(b) the location of the proposed use in relation to the utility, or any proposed utility;*

- (c) *existing land uses on the site; and*
- (d) *any proposed or existing buffers or mitigation measures.*

#### *Comment*

The access road is in association with the sports facility and is classed Sports and Recreation because of it. It is only the access road portion of the use that is within the Utilities Zone where the use of Sports and Recreation is discretionary. The road is already existing but would be upgraded to double lanes. Roads are often placed in the Utility Zone, so there is no conflict with the zone. An existing sewer main over a small section of the road area will be accommodated. The additional widening is not bringing the road closer to residential development as the road is between the sports ground and the Brooker Highway. Furthermore, the widening is not impacting on any other use adjacent to the existing road, which consists of a grass verge.

Therefore, the proposal complies with the performance criteria.

#### **Development Standards for Buildings or Works**

The proposal accords with the relevant acceptable solutions as demonstrated in the attached Appendix with respect to both zones.

#### **Codes**

The following codes of the Scheme apply to this proposal.

##### **C1.0 Signs Code**

The Signs Code applies to all development for signs, unless exempt. A scoreboard (sports ground sign) is proposed.

Clause C1.4.1 provides that a sign listed in Table C1.4 is exempt from the code, provided it complies with the relevant requirements. Table C1.4 Exempt Signs requires that a sports ground sign must not be located on a site that is a local heritage place, in a local heritage precinct or local heritage landscape precinct listed under the Local Historic Heritage Code.

The proposed scoreboard meets the requirements of Table C1.4 and is therefore exempt from the Signs Code.

##### **C2.0 Parking and Sustainable Transport Code**

The proposal provides for 104 carparking spaces, which accords with the acceptable solution in clause C2.5.1 Car Parking Numbers. The applicable rate in Table C2.1 is 50 spaces per facility. The proposal also accords with all other acceptable solutions of the standards under this code, except as follows:

#### C2.6.5 P1 Pedestrian Access

The proposal does not accord with the acceptable solution in clause C2.6.5 A1 with respect to pedestrian access. Therefore, the proposal relies on the related performance criteria as follows:

##### *C2.6.5 P1 Pedestrian Access*

*Safe and convenient pedestrian access must be provided within parking areas, having regard to:*

- (a) the characteristics of the site;*
- (b) the nature of the use;*
- (c) the number of parking spaces;*
- (d) the frequency of vehicle movements;*
- (e) the needs of persons with a disability;*
- (f) the location and number of footpath crossings;*
- (g) vehicle and pedestrian traffic safety;*
- (h) the location of any access ways or parking aisles; and*
- (i) any protective devices proposed for pedestrian safety.*

##### *Comment*

The acceptable solution requires a 1m wide footpath separated from access ways and parking aisles for uses that require more than 10 parking spaces. The proposal is not providing pedestrian access in the main gravel parking area but has a concrete pathway to the building from the second sealed carpark with accessible spaces. The lack of a footpath in the main carpark is considered acceptable due to the low speed environment according to the TIA and is a reason accepted by Council's Development Engineer.

Therefore, the proposal complies with the performance criteria. For further details, please refer to the engineering assessment under the Referrals section later in this report.

#### **C3.0 Road and Railway Assets Code**

The proposal accords with the relevant acceptable solutions as demonstrated in the attached Appendix. For further comments, please refer to engineering assessment under the Referrals section later in this report.

## C12.0 Flood-Prone Areas Hazard Code

The Flood-Prone Areas Hazard Code applies to the proposed development as a small section of the development and works are located within the overlay. The overlay is shown in Figure 5 below.

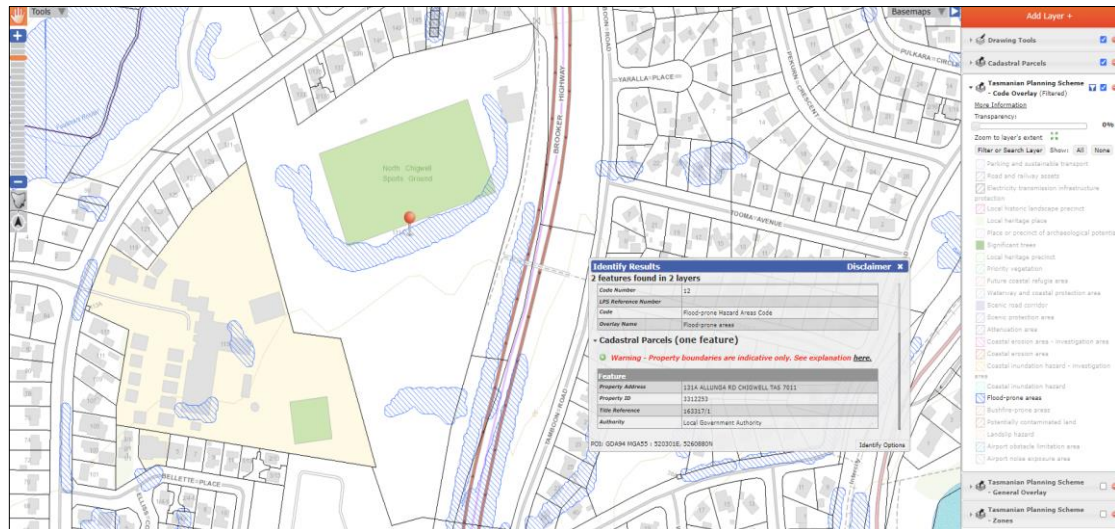


Figure 6: Flood Prone Areas Hazard Code - theList

There is no acceptable solution. Therefore, the proposal relies on performance criteria as follows:

### C12.6.1 Buildings and works within a flood-prone hazard area

#### P1.1

*Buildings and works within a flood-prone hazard area must achieve and maintain a tolerable risk from a flood, having regard to:*

- (a) the type, form, scale and intended duration of the development;*
- (b) whether any increase in the level of risk from flood requires any specific hazard reduction or protection measures;*
- (c) any advice from a State authority, regulated entity or a council; and*
- (d) the advice contained in a flood hazard report.*

#### P1.2

*A flood hazard report also demonstrates that the building and works:*

- (a) do not cause or contribute to flood on the site, on adjacent land or public infrastructure; and*
- (b) can achieve and maintain a tolerable risk from a 1% annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures of land within a flood-prone hazard area.*

### *Comment*

The engineering assessment under the Referrals section later in this report found that the proposal accords with the above performance criteria and the land is not subject to any major overland flow paths or high-risk flooding.

## **Glenorchy Local Provisions Schedule (GLPS)**

### **Local Area objectives**

No local area objectives of the Scheme apply to this proposal.

### **Particular Purpose Zones**

No particular purpose zones of the Scheme apply to this proposal.

### **Specific Area Plans**

No specific area plans of the Scheme apply to this proposal.

### **GLE-Site Specific Qualifications**

No site-specific qualifications of the Scheme apply to this proposal (refer to the Site Specific Qualifications table).

### **GLE-Code lists**

No code lists of the Scheme apply to this proposal.

## **GLE-Applied, Adopted and Incorporated Document**

None.

## **INTERNAL REFERRALS**

### **Development Engineer**

#### **Comments**

The development application seeks an approval for redeveloping works to the new sports clubroom at the North Chigwell Sports Facility. Due to the scope of the proposal and applied flood hazard overlay, apart from the site and architectural plans the followings documents have been submitted with the application:

- The Traffic Impact Assessment (TIA) by Howarth Fisher and Associates dated 5 June 2023
- Civil drawings by CES revision DA1 dated 18 August 2023
- Stormwater report by CES titled CES216112-C1-02 dated 21 August 2023

The application and the supporting documents above have been referred to Council's Transport Engineer and Council's Senior Civil Engineer to review, provide comments and recommend conditions as appropriate.

Runoff are proposed to be drained to the WSUD system and to new and existing Council's approved system via gravity. According to Council's Senior Civil Engineer, the OSD system is not required as the total impervious surface is still less than 55% of the entire land. Additionally, CES Engineering Services stated that the 5% AEP storm events are proposed to be managed using a new and existing pipe networks with the existing DN300 outlet suitable for design flows. Therefore, the General Manager's consent to interfere with stormwater infrastructure can be granted.

### **C3.0 Road and Railway Assets Code**

According to the TIA and Council's Transport Engineer, the proposed development is not expected to increase vehicle movements over 20% as the number of games and pitches on site will not change due to the proposed new amenity building including change rooms, canteen, and function space. The site can be accessed off the existing vehicle crossing, and no new access is proposed. Therefore, the proposed development complies with the code requirements, and the acceptable solution is met.

### **C2.0 Parking and Sustainable Transport Code**

The development complies with the Code and is considered that the site is capable of being developed and the local traffic conditions are not expected to be significantly affected.

The site can be accessed off the existing vehicular access, which is proposed to be widened to a 6m wide, onto the driveway and parking areas. The requirement under the C2.5.1 and table C2.1, A1 requires the total of fifty (50) car parking spaces for the sports and recreation use. The applicant proposes to comply with the requirements providing car parking area for 104 car spaces; hence the surplus which comply with the acceptable solution. There are two (2) accessible car parking spaces, two (2) motorcycle spaces and loading bay proposed as part of the parking arrangement. These satisfy the requirements under the provisions.

The layout of parking area complies with the standard AS2890.1:2004. The surface treatment of the driveway is proposed to be bitumen and the main car parking areas is proposed to be gravel surface. Surface runoff is proposed to be captured and directed to the Council's stormwater system, refer to the stormwater management plan submitted.

According to the Planning Scheme, to comply with the acceptable solution of C2.6.5 A1 Pedestrian Access, a 1-metre-wide pedestrian footpath is required where the use requires more than 10 car parking spaces. The proposed development does include a concrete pedestrian pathway connecting pedestrian traffic from the bitumen parking areas to the entrance with appropriate protective devices; however, the footpath over the main gravel parking areas is not provided and clearly line marked. Therefore, the acceptable solution is unable to be met. The TIA addressed the performance criteria

and the proposed arrangement is acceptable due to the nature of use being for low-speed environment over gravel parking areas. It is therefore considered that the performance criteria is satisfied.

## **Other**

### **C15.0 Landslide Code**

There are no landslide issues identified through Council's records that affect the application.

### **C7.0 Natural Assets Code**

There are no Natural assets issues identified through Council's records that affect the application.

### **C12.0 Flood-Prone Areas Hazard Code**

Situated in close proximity to the Faulkners Rivulet the site is subject to the flood hazard overlay. However, the proposed development and associated infrastructure are not impeding the overland flow path. Council's Senior Civil Engineer advises that land is not subject to any major overland flow paths or high-risk flooding albeit a small portion of the proposed clubroom building footprint is shown to be impacted with localised ponding during a 1% AEP flood event. The building finished floor level is proposed to be 300mm above the flood level; and plans submitted demonstrates safely conveyed to the public stormwater network and therefore have been accepted by Council's Engineers. The development can comply with the performance criteria, P1.1 and P1.2 of C12.6.1.

## **Traffic Engineer**

### **Introduction**

The development proposal is to upgrade the sports facilities to include a new amenity building, soccer grounds and improvements to the car park which is zoned recreational. The proposal is for an upgraded facility, as opposed to an expanded facility, with the same number of games being played at any one time.

The assessment below is based on the Traffic Impact Assessment (TIA) undertaken by Howarth Fisher and Associates dated 5 June 2023 and site plan A001-P03 by ARTAS Architects. The TIA addresses the Parking and Sustainable Transport Code C2 and the Road and Railway Asset Code C3, in which the acceptable solution is met for all criteria except C2.6.5 for pedestrian access in which the performance criteria is addressed.



## Driveway Access / Car Park Layout / Pedestrians Access

The development is proposing to seal and widen to 6m, the existing driveway access at the end of Allunga Road into the site. At the end of the driveway access there will be a gravel car park with 102 parking spaces and two motor bike parking spaces. Along the western side of the gravel car park, there will be a 1.2m wide concrete path to connect pedestrians between the car park to the new sports facility and grounds.

The gravel car park has a road connection to a sealed car park area to the south. This sealed car park area has two accessible parking spaces and the loading zone. These parks are the closed to the new facility building and pedestrian paths are provided between the facility and car parks. The sealed car park also connects to the pedestrian overpass over the Brooker Highway.

The layout of the driveway access, car park and pedestrian paths are shown in the image below, with the pedestrian facilities highlighted in yellow. This image is from the site plan A001-P03 by ARTAS Architects.

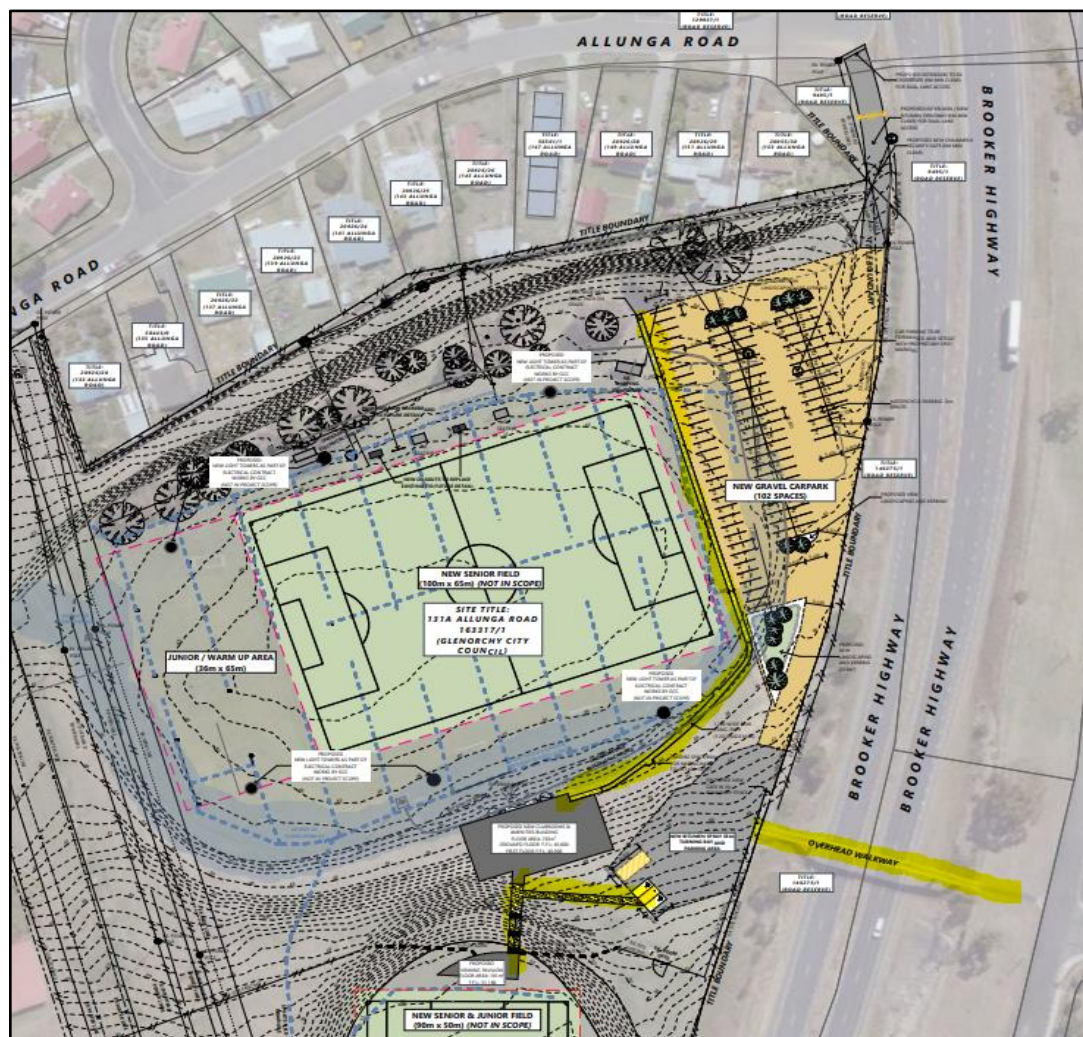


Figure 7: Plan of Proposed Development



The TIA undertook a survey on Saturday 21 August 2021 between 11 and noon, at the soccer ground and Allunga Road fronting the sports ground. It found that there was a maximum of 60 vehicles parked at any one time within the sports ground and a maximum of 32 vehicles parked at any one time in Allunga Road. The increase and improvements in parking within the site should reduce parking in Allunga Road.

The driveway access and car parks were assessed in the TIA in which the acceptable solution was met for all relevant criteria under C2 Parking and Sustainable Transport Code, apart from C2.6.5 A1.1 for pedestrian access, noting:

- Under the planning scheme C2.5.1 car parking numbers, there is a requirement for 50 parking spaces to be provided. The development exceeds this with 102 parking spaces.
- Acceptable solution is met for the gravel car park under criteria C2.6.1, as its zoned recreation and the parking bays will be delineated by spot markers.
- The acceptable solution is also met for C2.6.6 for loading bays country to the TIA.

The acceptable solution C2.6.5 for pedestrian access requires a 1m wide footpath separated from the access ways or parking aisles with a horizontal distance of 2.5m between the edge of the footpath and accessway or parking aisle, or protective devices such as bollards or kerbing. It also requires crossing points within the car park to be signed and line marked. The acceptable solution is not met as the car park does not have crossing points designated, proposes a single footpath on the western side of the car park that is at grade with the car park and does not have a footpath along the access ways.

The TIA addresses the performance criteria noting that “It is proposed that a low speed 10km/hr shared vehicle pedestrian environment will be provided throughout the car park site and access. A speed restriction sign will be painted on the sealed pavement surface near the frontage road as well as at a posted sign on the entrance to the carpark and at strategic locations within the car park. Pedestrians can also access the site via the high voltage power line easement which, although not formalised, provides a dedicated segregated facility for pedestrians accessing from the north and west of the site. A segregated footpath has been provided between car park and the new building.”

Based on the TIA, it is accepted that the low-speed environment and proposed shared zone for pedestrians meets the performance criteria in C2.6.5 P1, in which safe and convenient pedestrian access must be provided within parking areas.

## **Traffic Generation**

The TIA survey undertaken on Saturday 21 August 2021 between 11 and noon, also counted the movement of vehicles being 102 movements within the sports ground and 79 movements within Allunga Road. Thus, the total traffic generated by the development is estimated to be 362 trips on a Saturday morning in peak time.

The TIA states that the proposed development will not generate more traffic as the number of games and pitches on site will not change and the new amenity building includes change rooms, canteen, and function space, are considered ancillary use to the sports ground. This means the traffic generated by the development will stay the same and the acceptable solution C3.5.1 Traffic Generation at a Vehicle Crossing is met.

The TIA is accepted, and the acceptable solution is met for C3.5.1.

## **Conclusion**

Based on the TIA the proposed development is not expected to have any significant detrimental impacts on the surrounding road network or within the site, in terms of pedestrian access, parking or road safety. I have no objection to the development on traffic engineering or road safety grounds.

## **Hydraulics Engineer**

### **Comments**

The proposed new North Chigwell Sports Facility Clubrooms Building at 131a Allunga Road in North Chigwell, spans a 5.7ha site and includes a 763m<sup>2</sup>, two story Clubrooms building, a 101m<sup>2</sup> viewing pavilion and additional onsite parking spaces.

### **1. Referenced Documents**

- a) Architectural Drawings 224005 Rev Da01 dated 27/02/2023
- b) Civil drawings by CES Revision DA1 Dated: 18/08/2023
- c) Stormwater report by CES titled CES216112-C1-02 Dated: 21/08/2023

### **2. C12.0 Flood Prone Areas Hazard Code**

This land is not subjected to any major overland flow paths or high-risk flooding. Although a small portion of the proposed clubroom building footprint (external walkway access ramp) is shown to be impacted with localised ponding during a 1% AEP (Annual Exceedance of Probability) flood event.

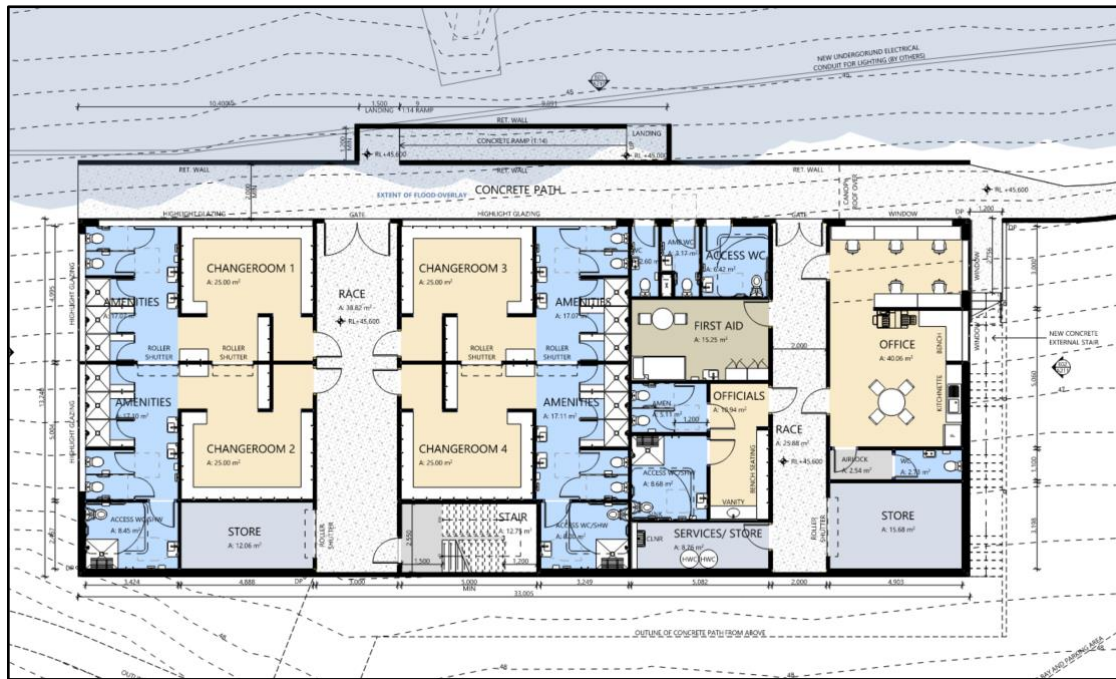


Figure 8: Extent of 1% AEP flood impacts (blue shading) near the proposed building (external Concrete walkway and ramp)

Building floor heights have been set out 300mm higher than the localised flood heights and the building use is not identified as critical or vulnerable infrastructure. Furthermore, the design has proposed drainage improvements to the outer perimeter of the building such as channel grates, retaining wall to the ramp that would minimise any erosion impacts the building.

Therefore, proposed development satisfies the requirements under the Flood Prone Hazard Code.

### 3. Stormwater Management Policy

#### a) Stormwater Disposal Method Requirements:

Stormwater will drain through new and existing pipe network by gravity. Therefore, 4 (a) is met.

#### b) Stormwater Quality Management Requirements:

The stormwater system will incorporate underground proprietary treatment system that conforms with water sensitive urban design principles given the size of new impervious area is greater than 500m<sup>2</sup>. Planning permit includes a condition to submit relevant models and calculations for engineering plans to satisfy the Stormwater Management Policy and meet 5 (b).

#### c) Stormwater Quantity Management Requirements:

Additional stormwater runoff generated from the development is less than the maximum allowable runoff volumes outlined in Council's Stormwater Management Policy (impervious area less than 55% of the land area). Therefore, stormwater detention system is not required for the proposed works on this site and 6(b) is met.

d) Stormwater System Design Requirements:

The major stormwater system and the minor stormwater system have been demonstrated in Stormwater report and civil drawings by Coordinated Engineering Services Revision DA1 Dated: 18/08/2023. The overland flow is directed via existing open drain to the Northern side of the site. Therefore 3 (a) and (b) are met.

### **Conclusion**

In summary I have no objections with the proposal from a hydraulics perspective, subject to the recommended conditions.

### **Environmental Health Officer**

The sports oval is situated at 131A Allunga Road, Chigwell, adjoins a property which is suspected of being contaminated. The sports oval itself is not contaminated land.

There is a 'Property Alert' on Council's Geographic information system which states that the property of 137 Allunga Road, Chigwell has "Possible abandoned service station or old bulk fuel storage systems". Historical records / permits indicate that the alert was placed on the property file because the address appeared on a list of properties where taxi's and hire cars were garaged.

There has not been any confirmation of bulk fuel storage systems at the property of 137 Allunga Road, Chigwell.

A Preliminary Site Assessment was conducted in May 2016 by Geo-Environmental Solutions for 131A Allunga Road, Chigwell. They had been engaged by Council to undertake an assessment as part of a historical planning application. The report identified that 131A Allunga Road, "is unlikely to have been affected" by the historical activities associated to 137 Allunga Road, Chigwell. It was also concluded that the "site is unlikely to be causing environmental harm" and that the site is suitable "without undue health risk to construction workers or future residents".

Given the information provided within the report, it is concluded C14.6.1 of the Potentially Land Code (C14.0) does not apply to this current application (PLN-23-065), however advise is recommended.

The application also has identified a food premises proposed which includes a canteen and commercial kitchen. The facilities will need to comply with the National Construction Code. Advice is recommended with regard to this.

## **EXTERNAL REFERRALS**

### **TasWater**

The application was referred to TasWater, which has nominated a number of conditions should the application be approved. The *Water and Sewerage Industry Act 2008* requires the Planning Authority to include conditions from TasWater, if a permit is granted.

### **TasNetworks**

TasNetworks advised that the development is not likely to adversely affect TasNetworks operations.

## **REPRESENTATIONS**

The application was advertised for the statutory 14-day period with no representations being received.

## **CONCLUSION**

The application is for a new two storey clubroom and additional viewing pavilion at the North Chigwell Sports Grounds and associated works. The application is discretionary for the use (only the road works within the Utilities Zone), for a small part of the building being located within the flood-prone hazard area and for not providing a pedestrian access in the car parking area.

The proposed works relating to the access road within the Utilities Zone are not adversely impacting on any other use or any utilities and therefore satisfies the performance criteria. The location within the flood prone area likewise complies with the performance criteria as the land is not subjected to any major overland flow paths or high-risk flooding. The lack of pedestrian access in the main gravel carpark is considered acceptable due to the low speed environment. There will be a concrete path from the bitumen accessible parking spaces to the building.

The application was publicly advertised for the statutory 14-day period and no representations were received.

In conclusion, the proposal is assessed to substantially comply with the requirements of Schedule 1 of the *Land Use Planning and Approvals Act 1993* and the *Tasmanian Planning Scheme – Glenorchy 2021*, subject to the recommended conditions.

### **Recommendation:**

That a permit be granted for the Demolition, sports clubrooms and associated works (Sports and Recreation) of 131A Allunga Road Chigwell subject to the following conditions:

## Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-23-065 and Drawings submitted on 16/03/2023 (9 pages), 13/04/2023 (1 page) and 02/08/2023 (1 page), except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater and set out in the attached Submission to Planning Authority Notice, reference No. TWDA 2023/00431-GCC, dated 19/09/2023, form part of this permit.
3. The demolition of the light towers and replacement of both soccer fields are excluded from this permit.
4. The completion of the parking and access works must be accomplished within 6 months of a Certificate of Completion being issued for the new clubrooms.
5. Commercial vehicle movements and the unloading and loading of commercial vehicles, excluding Emergency Services, must be within the hours of:
  - (a) 7.00 am to 6.00 pm Monday to Friday; and
  - (b) 8.00 am to 5.00 pm Saturday, Sunday or public holidays.

## Engineering

6. Prior to the issuing of a Building Approval or the commencement of works on site, including demolition (whichever occurs first), submit a Soil and Water Management Plan detailing proposed sediment and erosion control measures to the satisfaction of Council's Development Engineer.

The approved control measures must be installed prior to any disturbance of soil or construction activity such as concrete cutting, demolition and must be regularly inspected and maintained during the construction and demolition period to prevent soil and other materials entering the local stormwater system, roadways, or adjoining properties.

The approved control measures must remain in place until such time as all construction activity likely to generate sediment has been completed or all disturbed areas have been stabilised using vegetation and/or restored or sealed to the satisfaction of the Council.

The approved Soil and Water Management Plan (SWMP) forms part of this permit and must be complied with.

*Advice: For further information please refer to the Soil and Water Management Fact Sheets published by the Department of Primary Industries, Parks, Waters*

*and Environment. These are available from Council or online at [www.derwentestuary.org.au](http://www.derwentestuary.org.au).*

7. The loading and unloading of goods from vehicles, including building materials and equipment, must only be carried out on the land.
8. No civil works related to or associated with the use or development approved by this permit are to occur on or external to the site unless these works are in accordance with engineering drawings that have been approved by Council's Development Engineer. Changes to the design and/or location of civil works will require the submission of amended engineering drawings prepared by a licensed civil engineer for approval by Council's Engineer.
9. The property owner is to ensure that Council's Road Assets and Infrastructure are protected during the demolition and building process. The owner is to ensure that damage to road assets, footpaths, kerb and channel, drainage pits, nature strips and other services is kept to a minimum and any damaged assets are reinstated. Should damages occur, the repair costs associated with such damages are the responsibility of the property owner. If reinstatement works are not undertaken promptly or to Council's satisfaction, Council may elect to reinstate or rectify any defects and recover the expenses reasonably incurred in doing so from the property owner.
10. Any damage to Council's assets, including services, footpaths, driveway crossings and nature strips must be promptly reported to and then repaired to the requirements of Council's Development Engineer, at the developer's cost. It must be the developer's responsibility to obtain and submit with the Building Application, a comprehensive photographic record of the condition of the footpaths, driveways and nature strips at the road frontage to the site and adjacent to the site, prior to commencing construction. The photographic record shall be relied upon to establish the extent of damage caused to Council's assets throughout construction. In the event that the developer fails to provide a pre-construction photographic record of the site then any damage to Council assets found on completion of the works shall be deemed to be the responsibility of the developer and shall be repaired at the developer's cost.
11. The applicant must pay Council the amount of \$291.40 to complete the measure up and record 'as constructed' data for all assets to be taken over by council prior to the completion. This amount is subject to annual adjustment with the Council Fees and Charges Register.

12. The design and construction of the parking, access and turning areas must comply with the Australian Standard, Parking facilities, Part 1: Off-Street Car parking, AS 2890.1 – 2004, to the satisfaction of the Council's Development Engineer. Engineering Drawings showing the driveway details must be in accordance with the approved plans and the Australian Standard and submitted with the Building Application for approval by Council's Development Engineer prior to the commencement of works on site. The proposed driveway and parking must comply with the following:-
- (a) A 6.0m wide driveway to the new gravel parking areas must be constructed to a sealed finish and the finished gradient shall not exceed the maximum gradient of 25% or 1 in 4.
  - (b) Vertical alignment shall include transition curves (or straight sections) at all grade changes greater than 12.5%.
  - (c) Total of 104 clearly marked car parking spaces must be provided in accordance with the approved plan received by Council and always kept available for these purposes.
  - (d) Of the total proposed number of parking spaces, two (2) car parking spaces must be provided exclusively for the use of the people with disabilities, clearly always marked and kept available for these purposes.
  - (e) 2 motorcycle parking spaces to Australian Standard must be provided.
  - (f) All runoff from paved and driveway areas must be discharged into Council's stormwater system.
  - (g) Concrete footpath ramp from the new bitumen spray seal and parking area for accessible spaces of gradients no steeper than 1 in 14 must be provided.
  - (h) The crossfall along the footpath at the access must not exceed 4%.
  - (i) The gradient of any parking areas must not exceed 5% and
  - (j) Minimum carriageway width is to be no less than 6.0 metres.

All works required by this condition must be installed prior to the occupancy.

### **Hydraulics Conditions**

13. Engineering design drawings must be submitted and approved, prior to the issue of a Building Permit or the commencement of works (whichever occurs first). The engineering drawings must:
- (a) be certified by a qualified and experienced Engineer.



- (b) Updated MUSIC model and calculations must be provided to verify the on-site stormwater treatment train including any natural stormwater treatment.
  - (c) Advice: It was noted that MUSIC model outputs provided for concept servicing plans were inconsistent (Ex: consider gravel carpark area as pervious), and therefore a review of the design is required. It is also recommended that natural permanent sediment control measures, such as vegetated swales, sediment basins be considered in the stormwater treatment train.
  - (d) show in both plan and long-section the proposed stormwater mains, including but not limited to, connections, flows rates, velocities, hydraulic grade lines, clearances, location related to other services, cover, gradients, sizing, material, pipe class, adequate working platforms around manholes, easements, and inspection openings.
  - (e) Stormwater Manholes must be provided wherever there is a change in alignment and at the connection point to Council's main.
  - (f) Be substantially in accordance with the LGAT Standard Drawings and Tasmanian Subdivision Guidelines 2013
14. Digital copies of a post construction work CCTV video and associated report(s) of any proposed Council stormwater main must be submitted to Council after completion of all work but prior to the issue of any Certificate of Completion.
  15. In association with a Building Permit Application, a WSUD Maintenance Scheme must be submitted for approval, to the satisfaction of Council's Senior Civil Engineer, defining the maintenance method and frequency for each WSUD element incorporated in the development.
  16. The new stormwater connections must be constructed and installed prior to the completion, and any existing abandoned connections must be sealed by owner's expense. Form must be submitted for approval prior to the approval of the Plumbing application. Please note once plans are approved, a formal Application for New Stormwater Connection and inspection by Council's Senior Civil Engineer is required. The form is available from <https://www.gcc.tas.gov.au/council/documents-and-publications/forms/>
    - (a) A minimum of three (3) business-day notice must be provided by the applicant to Council's Roads Maintenance and Stormwater Coordinator on 03 6216 6800 to arrange for the inspection prior to completion.

- (b) Any alterations or works performed on council's stormwater system must remain uncovered until the completion of the inspection. If there is failure to provide notification in advance or to expose the stormwater manhole for the visual inspection, council may choose to expose the stormwater manhole and reinstate after the inspection at the full cost to the applicant.
  - (c) If the stormwater manhole is not to the satisfaction of council, the applicant must rectify the stormwater manhole at their cost. If the applicant does not rectify the stormwater manhole, council has the right to rectify the stormwater manhole at the applicant's cost.
17. A maintenance schedule for the ongoing maintenance of the water sensitive urban design infrastructure must be provided to Council's Senior Civil Engineer for approval prior to the commencement of the use and/or the issuing of the plumbing approval. When approved, the maintenance schedule forms part of this permit.
18. The landowner must maintain the water sensitive urban design infrastructure in accordance with the approved maintenance schedule.

### **Advice to Applicant**

*This advice does not form part of the permit but is provided for the information of the applicant.*

#### *General Manager's Consent for Stormwater Management*

Any conditions and/or advice as set out in the attached General Manager's Consent for Stormwater Management, reference No. PLN-23-065, dated 19 September 2023, form part of this permit.

#### *Underground Services*

The designer must ensure that the needs of all providers including TasWater, TasGas, TasNetworks, and Telstra are catered for both in the design and construction of the works. Underground service providers should be contacted for line marking of their services and any requirements or conditions they may have prior to commencing any works on site. Phone 1100, Dial Before You Dig or visit [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) for information on the location of underground services and cables in relation to the proposed development prior to commencing any works on site.

#### *Other Permits*

Please be aware that this planning permit is a planning approval issued under the Tasmanian Planning Scheme - Glenorchy. You should consult with an accredited Building Surveyor prior to commencing this use or work to ensure all relevant requirements of the *Building Act 2016* are complied with.

In addition to this planning permit, a building permit and/or plumbing permit may also be required. If further clarification is required, please contact Council's Building Section on 6216 6800.

#### *Potential Soil Contamination*

This property adjoins a property Council suspects was the site of a bulk fuel storage system. The developer is advised that best practice approach should be observed for the management of soil disturbance on site, to minimise human exposure. Particular attention should be paid to staff hygiene, where staff have direct or indirect contact with oil on the site.

#### *Food Premises*

The proponent's Building Surveyor must forward copies of the following documents to Council's Senior Environmental Health Officer prior to any works being undertaken on site (including the installation of fixtures and fittings) that relate to the proposed food premises:

- a) a request in an approved form (Form 42) for an Environmental Health Officer report;
- b) any relevant drawings, specifications or other documents submitted with the application; and
- c) details provided by the owner of the nature of the foods to be prepared, handled, stored or sold and the types of manufacturing processes to be undertaken on the premise
- d) Council's Senior Environmental Health Officer may require the premises to meet equipment and fit out specifications which exceed those required by the *National Construction Code 2022*, before the premises can be registered and the food business licensed pursuant to the *Food Act 2003*.

#### **Attachments/Annexures**

- 1 GPA Attachment - 131A Allunga Road, Chigwell



## APPENDIX A

### 28.0 Recreation Zone

Standard	Acceptable Solution	Proposed	Complies?
<b>28.3 Use Standards</b>			
<b>28.3.1</b> <b>Sports and Recreation and Discretionary uses</b>	<b>A1</b> Hours of operation for Sports and Recreation and uses listed as Discretionary, excluding Emergency Services or Visitor Accommodation, must be within the hours of: (a) 8.00am to 10.00pm if within 50 m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone; or (b) 6.00am to midnight otherwise.	The site adjoins the General Residential Zone. The proposed hours of operation are stated in a letter from 27/06/2023 and are as follows: <b>Function Room</b> 8.00am to 10.00pm on any day <b>Canteen:</b> 8.00am to 10.00pm primarily on weekends	Yes
	<b>A2</b> Flood lighting of Sports and Recreation facilities within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must not operate between 11.00pm and 7.00am.	No flood lighting is proposed as part of this application.	NA
	<b>A3</b> Commercial vehicle movements and the unloading and loading of commercial vehicles for Sports and Recreation and uses listed as Discretionary, excluding Emergency Services, within 50m of a General Residential Zone, Inner Residential Zone, or Low Density Residential Zone, must be within the hours of: (a) 7.00 am to 6.00 pm Monday to Friday; and (b) 8.00 am to 5.00 pm Saturday, Sunday or public holidays.	Supporting information for the application states that commercial vehicle movements will be in line with the Acceptable Solution. A condition is recommended to facilitate compliance.	Yes
<b>28.3.2</b> <b>Sports and Recreation - major sporting facilities</b>	<b>A1</b> Extensions to an existing major sporting facility within 100m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must not increase spectator capacity.	Not applicable.	NA
<b>28.4 Development Standards for Buildings and Works</b>			
<b>28.4.1</b>	<b>A1</b>		

Standard	Acceptable Solution	Proposed	Complies?
<b>Building height, setback and siting</b>	Building height must not be more than 10 m.	The proposed maximum building height is 8.472 m.	Yes
	<b>A2</b> Buildings must have a setback from a frontage of: (a) not less than 5m; or (b) not more or less than the maximum and minimum setbacks of the buildings on adjoining properties, whichever is the lesser.	The site has frontage to Brooker Highway. The minimum proposed building setback from the frontage is approximately 33.3 m.	Yes
	<b>A3</b> Buildings must have a setback from side and rear boundaries adjoining a General Residential Zone, Inner Residential Zone or Low Density Residential Zone not less than: (a) 3m; or (b) half the wall height of the building, whichever is the greater.	The site adjoins the General Residential Zone to the north and west. Aside from a proposed gate within an existing fence located 1.5 m from the western boundary, the closest proposed setback from a boundary adjoining the General Residential Zone is approximately 37 m, being for a replacement 'dugout.'	Yes
	<b>A4</b> Air extraction, pumping, refrigeration systems, compressors or generators must be separated a distance of not less than 10m from a General Residential Zone, Inner Residential Zone or Low Density Residential Zone. (An exemption applies for air conditioners and heat pumps in this zone – see Table 4.6).	There will be mechanical fans, air conditioning units and condensers units on the roof of the building, which would be well more than 10m from any General Residential zoned land.	Yes
<b>28.4.2 Outdoor Storage Areas</b>	<b>A1</b> Outdoor storage areas, excluding for the display of goods for sale, must not be visible from any road or public open space adjoining the site.	No outdoor storage areas are proposed.	NA

## APPENDIX

### 26.0 Utilities Zone

Standard	Acceptable Solution	Proposed	Complies?
<b>26.3 Use Standards</b>			

Standard	Acceptable Solution	Proposed	Complies?
<b>26.3.1</b> <b>All uses</b>	<b>A1</b> Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation or Utilities, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone must be within the hours of: (a) 7.00am to 9.00pm Monday to Saturday; and (b) 8.00am to 9.00pm Sunday and public holidays.	Operating hours are 8.00am to 10.00pm	Yes
	<b>A2</b> External lighting for a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation or Utilities, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must: (a) not operate within the hours of 11.00pm and 6.00am, excluding any security lighting; and (b) if for security lighting, be baffled so that direct light does not extend into the adjoining property.	No flood lighting is proposed as part of this application.	Yes
	<b>A3</b> Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency Services or Utilities, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must be within the hours of: (a) 7.00am to 9.00pm Monday to Saturday; and (b) 8.00am to 9.00pm Sunday and public holidays.	Supporting information for the application states that commercial vehicle movements will be in line with the Acceptable Solution. A condition is recommended to facilitate compliance.	Yes
<b>26.3.2</b> <b>Discretionary uses</b>	<b>A1</b> No Acceptable Solution.		Discretion

Standard	Acceptable Solution	Proposed	Complies?
<b>26.4 Development Standards for Buildings and Works</b>			
<b>26.4.1 Building Height</b>	<b>A1</b> Building height must be not more than: (a) 10m; or (b) 15m if for a structure, such as a tower, pole or similar.	The building is not located in the Utilities Zone	N/A
	<b>A2</b> Building height, excluding a structure such as a tower, pole or similar: (a) within 10m of an adjoining property in a General Residential Zone, Low Density Residential Zone or Rural Living Zone, must be not more than 8.5m; or (b) within 10m of an adjoining property in an Inner Residential Zone, must be not more than 9.5m.	The building is not located in the Utilities Zone	N/A
<b>26.4.2 Setbacks</b>	<b>A1</b> Buildings, excluding a structure such as a tower, pole or similar, must have a setback from all boundaries of not less than: (a) 5m; or (b) an existing building on the lot.	The building is not located in the Utilities Zone	N/A
	<b>A2</b> Air extraction, refrigeration systems, compressors or generators must be separated a distance of not less than 10m from a General Residential Zone, Inner Residential Zone, Low Density Residential Zone and Rural Living Zone.	The building is not located in the Utilities Zone	N/A
<b>26.4.3</b>	<b>A1</b>		

Standard	Acceptable Solution	Proposed	Complies?
<b>Fencing</b>	A fence (including a free-standing wall) within 4.5m of a frontage and where adjoining a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Village Zone must have a height above existing ground level of not more than:  (a) 1.2m if the fence is solid; or (b) 2.1m, if any part of the fence that is within 4.5m of a frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30%.	No fencing is proposed within 4.5m of a frontage	N/A
	<b>A2</b> Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Village Zone must:  (a) have a height above existing ground level of not more than 2.1m; and (b) not use barbed wire.	Fencing is not proposed on a common boundary	N/A
<b>26.4.4</b> <b>Outdoor storage areas</b>	<b>A1</b> Outdoor storage areas, excluding any goods for sale, must not be visible from any road or public open space adjoining the site.	Not proposed	N/A

## APPENDIX B

### C2.0 Parking and Sustainable Transport Code

Standard	Acceptable Solution	Proposed	Complies?
<b>C2.5 Use Standards</b>			
<b>C2.5.1</b> <b>Car parking numbers</b>	<b>A1</b> The number of on-site car parking spaces must be no less than the number specified in Table C2.1,	50 required, 104 provided.	Yes



Standard	Acceptable Solution	Proposed	Complies?
	<p>excluding if:</p> <ul style="list-style-type: none"> <li>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</li> <li>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</li> <li>(c) the site is subject to Clause C2.5.5; or</li> <li>(d) it relates to an intensification of an existing use or development or a change of use where: <ul style="list-style-type: none"> <li>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</li> <li>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows: <math display="block">N = A + (C - B)</math> <p>N = Number of on-site car parking spaces required</p> <p>A = Number of existing on site car parking spaces</p> </li> </ul> </li> </ul>		

Standard	Acceptable Solution	Proposed	Complies?
	<p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C= Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>		
<b>C2.5.2</b> <b>Bicycle parking numbers</b>	<p><b>A1</b></p> <p>Bicycle parking spaces must:</p> <p>(a) be provided on the site or within 50m of the site; and</p> <p>(b) be no less than the number specified in Table C2.1.</p>	Not required	Yes
<p><b>C2.5.3</b> <b>Motorcycle parking numbers</b> <i>This applies to:</i> <i>Business and Professional Services;</i> <i>Community Meeting and Entertainment;</i> <i>Custodial Facility;</i> <i>Crematoria and Cemeteries;</i> <i>Educational and Occasional Care;</i> <i>Food Services;</i> <i>General Retail and Hire;</i> <i>Hospital Services;</i> <i>Hotel Industry;</i> <i>Pleasure Boat Facility;</i></p>	<p><b>A1</b></p> <p>The number of on-site motorcycle parking spaces for all uses must:</p> <p>(a) be no less than the number specified in Table C2.4; and</p> <p>(b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification, provided the existing number of motorcycle parking spaces is maintained.</p>	2 spaces required, not specified but due to the large surplus of parking spaces, it is considered the acceptable solution is met.	Yes

Standard	Acceptable Solution	Proposed	Complies?
<b>Residential if for a communal residence, multiple dwellings or hostel use;</b> <i>Sports and Recreation; and Tourist Operation.</i>			
<b>C2.5.4 Loading bays</b> <i>This applies to: Bulky Goods Sales; General Retail and Hire; Manufacturing and Processing; and Storage.</i>	<b>A1</b>  A loading bay must be provided for uses with a floor area of more than 1000m <sup>2</sup> in a single occupancy.	Provided	Yes
<b>C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone</b> <i>This applies to: Business and Professional Services; Community Meeting and Entertainment; Educational and Occasional Care; Emergency Services; Food Services;</i>	<b>A1</b>  Within existing non-residential buildings in the General Residential Zone and Inner Residential Zone, on-site car parking is not required for: <ul style="list-style-type: none"> <li>(a) Food Services uses up to 100m<sup>2</sup> floor area or 30 seats, whichever is the greater; and</li> <li>(b) General Retail and Hire uses up to 100m<sup>2</sup> floor area,</li> </ul> provided the use complies with the hours of operation specified in the relevant Acceptable Solution for the relevant zone.	Not required	NA

Standard	Acceptable Solution	Proposed	Complies?
<i>General Retail and Hire; Sports and Recreation; and Utilities, if not for minor utilities.</i>			
<b>C2.6 Development Standards for Building Works</b>			
<b>C2.6.1 Construction of parking areas</b>	<b>A1</b>  All parking, access ways, manoeuvring and circulation spaces must: <ul style="list-style-type: none"> <li>(a) be constructed with a durable all weather pavement;</li> <li>(b) be drained to the public stormwater system, or contain stormwater on the site; and</li> <li>(c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.</li> </ul>	Parking and driveway area proposed to be all-weather paved surface and surfaced water are to be drained to the stormwater connection. Complies with A1 (c)	Yes
<b>C2.6.2 Design and layout of parking areas</b>	<b>A1.1</b>  Parking, access ways, manoeuvring and circulation spaces must either: <ul style="list-style-type: none"> <li>(a) comply with the following: <ul style="list-style-type: none"> <li>(i) have a gradient in accordance with <i>Australian Standard AS 2890 - Parking facilities, Parts 1-6</i>;</li> </ul> </li> </ul>	Layout and gradients are provided in accordance with the AS2890.1 and AS2890.6	Yes

Standard	Acceptable Solution	Proposed	Complies?
	<ul style="list-style-type: none"> <li>(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</li> <li>(iii) have an access width not less than the requirements in Table C2.2;</li> <li>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</li> <li>(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</li> <li>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</li> <li>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</li> </ul> <p>(b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6.</i></p> <p><b>A1.2</b></p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <ul style="list-style-type: none"> <li>(a) be located as close as practicable to the main entry point to the building;</li> <li>(b) be incorporated into the overall car park design; and</li> </ul>		

Standard	Acceptable Solution	Proposed	Complies?
	(c) be designed and constructed in accordance with <i>Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities</i> . [S35]		
<b>C2.6.3 Number of accesses for vehicles</b>	<b>A1</b>  The number of accesses provided for each frontage must:  (a) be no more than 1; or  (b) no more than the existing number of accesses, whichever is the greater.	As existing	Yes
	<b>A2</b>  Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.		NA
<b>C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone</b>	<b>A1</b>  In car parks within the General Business Zone and Central Business Zone, parking and vehicle circulation roads and pedestrian paths serving 5 or more car parking spaces, which are used outside daylight hours, must be provided with lighting in accordance with Clause 3.1 “Basis of Design” and Clause 3.6 “Car Parks” in <i>Australian Standard/New Zealand Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements</i> .	Condition	Yes

Standard	Acceptable Solution	Proposed	Complies?
<b>C2.6.5</b> <b>Pedestrian access</b>	<p><b>A1.1</b></p> <p>Uses that require 10 or more car parking spaces must:</p> <ul style="list-style-type: none"> <li>(a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by: <ul style="list-style-type: none"> <li>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</li> <li>(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</li> </ul> </li> <li>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles.</li> </ul> <p><b>A1.2</b></p> <p>In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.</p>	<p>Provided from the bitumen parking areas however it is not clearly provided over the gravel parking area. The TIA addressed the proposal against the performance criteria to satisfactory.</p>	<p>No</p>
<b>C2.6.6</b> <b>Loading bays</b>	<p><b>A1</b></p> <p>The area and dimensions of loading bays and access way areas must be designed in accordance</p>		<p>Yes</p>

Standard	Acceptable Solution	Proposed	Complies?
	with <i>Australian Standard AS 2890.2–2002, Parking facilities, Part 2: Offstreet commercial vehicle facilities</i> , for the type of vehicles likely to use the site.		
	<p><b>A2</b></p> <p>The type of commercial vehicles likely to use the site must be able to enter, park and exit the site in a forward direction in accordance with <i>Australian Standard AS 2890.2 – 2002, Parking Facilities, Part 2: Parking facilities Off-street commercial vehicle facilities</i>.</p>		
<b>C2.6.7</b> <b>Bicycle parking and storage facilities within the General Business Zone and Central Business Zone</b>	<p><b>A1</b></p> <p>Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.</p>		NA
	<p><b>A2</b></p> <p>Bicycle parking spaces must:</p> <p>(a) have dimensions not less than:</p> <p>(i) 1.7m in length;</p>		NA



Standard	Acceptable Solution	Proposed	Complies?
	<p>(ii) 1.2m in height; and</p> <p>(iii) 0.7m in width at the handlebars;</p> <p>(b) have unobstructed access with a width of not less than 2m and a gradient not steeper than 5% from a road, cycle path, bicycle lane, shared path or access way; and</p> <p>(c) include a rail or hoop to lock a bicycle that satisfies <i>Australian Standard AS 2890.3-2015 Parking facilities - Part 3: Bicycle parking</i>.</p>		
<b>C2.6.8 Siting of parking and turning areas</b>	<p><b>A1</b></p> <p>Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone, parking spaces and vehicle turning areas, including garages or covered parking areas must be located behind the building line of buildings, excluding if a parking area is already provided in front of the building line.</p>		NA
	<p><b>A2</b></p> <p>Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must:</p> <p>(a) have no new vehicle accesses, unless an existing access is removed;</p> <p>(b) retain an active street frontage; and</p> <p>(c) not result in parked cars being visible from public places in the adjacent roads.</p>		NA

Standard	Acceptable Solution	Proposed	Complies?
<b>C2.7 Parking Precinct Plan</b>			
<b>C2.7.1 Parking Precinct Plan</b>	<b>A1</b>  Within a parking precinct plan, onsite parking must:  (a) not be provided; or  (b) not be increased above existing parking numbers.		NA

### Footnotes

[S35] Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016.

## APPENDIX

### C3 Road and Railway Assets Code

Standard	Acceptable Solution	Proposed	Complies?
<b>C3.5 Use Standards</b>			
<b>C3.5.1  Traffic generation at a vehicle crossing, level crossing or new junction</b>	<b>A1.1</b>  For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:  (a) a new junction;  (b) a new vehicle crossing; or  (c) a new level crossing.  <b>A1.2</b>  For a road, excluding a category 1 road or a limited access	Vehicular traffic is not increased by 40 vpd.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	<p>road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p><b>A1.3</b></p> <p>For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p><b>A1.4</b></p> <p>Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <p>(a) the amounts in Table C3.1; or</p> <p>(b) allowed by a licence issued under Part IVA of the <i>Roads and Jetties Act 1935</i> in respect to a limited access road.</p> <p><b>A1.5</b></p> <p>Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>		
<b>C3.6 Development Standards for Buildings and Works</b>			

Standard	Acceptable Solution	Proposed	Complies?
<b>C3.6.1</b>  <b>Habitable buildings for sensitive uses within a road or railway attenuation area</b>	<b>A1</b>  Unless within a building area on a sealed plan approved under this planning scheme, habitable buildings for a sensitive use within a road or railway attenuation area, must be: <ul style="list-style-type: none"> <li>(a) within a row of existing habitable buildings for sensitive uses and no closer to the existing or future major road or rail network than the adjoining habitable building;</li> <li>(b) an extension which extends no closer to the existing or future major road or rail network than:               <ul style="list-style-type: none"> <li>(i) the existing habitable building; or</li> <li>(ii) an adjoining habitable building for a sensitive use;</li> </ul> </li> <li>(c) located or designed so that external noise levels are not more than the level in Table C3.2 measured in accordance with Part D of the <i>Noise Measurement Procedures Manual, 2nd edition, July 2008</i>.</li> </ul>		NA
<b>C3.7 Development Standards for Subdivision</b>			
<b>C3.7.1</b>  <b>Subdivision for sensitive uses within a road or railway attenuation area</b>	<b>A1</b>  A lot, or a lot proposed in a plan of subdivision, intended for a sensitive use must have a building area for the sensitive use that is not within a road or railway attenuation area.		NA